

# Exhibit D

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

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BABY DOE, et al.,

Plaintiffs,

v.

Civil Action No.

3:22cv00049-NKM-JCH

JOSHUA MAST, et al.,

Defendants.

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Video-recorded Deposition of

JONATHAN MAST

Monday, July 17, 2023

9:33 a.m.

Charlottesville, Virginia

Reported by: Mark E. Brown, RPR

1 Video-recorded Deposition of JONATHAN MAST, taken  
2 by and before Mark E. Brown, RPR, Notary Public in  
3 and for the Commonwealth of Virginia, taken pursuant  
4 to Notice to Take Deposition and Rule 4:5 of the  
5 Rules of the Supreme Court of Virginia, commencing at  
6 9:33 a.m., July 17, 2023, at the Law Offices of  
7 McGuire Woods, LLP, 323 2nd Street, S.E.,  
8 Charlottesville, Virginia 22902.

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By Mr. Powell 8

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Good morning. We are  
3 going on the record at 9:33 a.m. on July 17, 2023.

4 This is the video-recorded deposition of  
5 Jonathan Mast taken in the matter of Baby Doe, et al.  
6 versus Joshua Mast, et al., filed in the United  
7 States District Court for the Western District of  
8 Virginia, case number 3:22cv00049-NKM-JCH.

9 My name is Emmanuel Pezoa from the firm of  
10 Veritex Legal Solutions. The court reporter is Mark  
11 Brown from the firm of Veritex Legal Solutions.

12 Will counsel please state their appearances  
13 and affiliations for the record.

14 MR. POWELL: Good morning. I'm Lewis  
15 Powell with Hunton Andrews Kurth. I represent the  
16 Plaintiffs.

17 MS. CATTANEO: Lia Cattaneo with Latham &  
18 Watkins, also Plaintiffs.

19 MR. KASHFIPOUR: Ehson Kashfipour, Latham &  
20 Watkins for the Plaintiffs.

21 MR. HARDING: Elliott Harding here with Mr.  
22 Jonathan Mast.

23 MR. FRANCISCO: Michael Francisco on behalf  
24 of Defendants Joshua and Stephanie Mast.

25 MR. YERUSHALMI: David Yerushalmi, American

1 1 Freedom Law Center representing Richard Mast.

2 2 MR. BROOKS: Tyler Brooks, counsel for  
3 3 Ahmad Osmani.

4 4 MR. HOERNLEIN: This is Mike Hoernlein with  
5 5 Alston Bird on behalf of Defendant Kim Motley, also  
6 6 joined by Samantha Van Winter from my firm.

7 7 MR. BOYER: Rick Boyer, co-counsel for  
8 8 Ahmad Osmani here with Tyler Brooks.

9 9 MS. WYER: Kathryn Wyer for the Federal  
10 10 Nominal Defendants.

11 11 MR. POWELL: Everybody in the room all set  
12 12 to go? Are you  
y to go, Mr. Mast?

13 13 THE WITNESS: Yes.

14 14 THE VIDEOGRAPHER: Will the court reporter  
15 15 please swear in the witness.

16 16 JONATHAN MAST

17 17 was sworn and deposed as follows:

18 18 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

19 19 BY MR. POWELL:

20 20 Q Mr. Mast, good morning. I'm Lewis Powell.  
21 21 We were introduced before the deposition began but I  
22 22 just wanted to say hello to you once again on the  
23 23 record. Thank you for being here.

24 24 A Thank you.

25 25 Q What is your full name, please.

1 A Jonathan Michael Mast.

2 Q Middle initial is "M" as in Mary or  
3 Michael?

4 A Uh-huh.

5 Q Have you ever gone by any other name?

6 A No.

7 Q How old are you?

8 A I'm 34.

9 Q When and where were you born?

10 A Orlando, Florida, 1989.

11 Q Can you give me a month.

12 A March.

13 Q That's fine. What's your residential  
14 address, please?

15 A [REDACTED].

16 Q Do you use email?

17 A Yeah.

18 Q What email addresses do you use?

19 A I have several. For work I use my  
20 [REDACTED]@liberty.edu. Most of my personal info goes  
21 through [REDACTED]@gmail. And then a third one I  
22 have is actually a character from my favorite Lord of  
23 the Rings. The character is  
24 [REDACTED]@proton.me.

25 Q Have you used any other messaging services

1 or other forms of electronic communication?

2 A Just my phone text messages and Signal and  
3 Facebook messenger.

4 Q How about What's App?

5 A No. Well, I used it a long time ago but  
6 not -- I don't use it as a primary communication.  
7 It's been at least six or seven years since I've last  
8 used it.

9 Q Do you use Signal?

10 A Yeah. Uh-huh.

11 Q How long have you used Signal?

12 A I'm not sure. It's probably two or three  
13 years.

14 Q Why did you start using Signal?

15 A Just as an alternative means for a secured  
16 communication method.

17 Q Did someone suggest that to you? Was it  
18 your brother Joshua?

19 A I don't think so, no.

20 Q But this is something you started using  
21 after your brother became interested in adopting Baby  
22 Doe, correct?

23 A I don't believe so. I think my family had  
24 been using Signal -- at least a couple members of my  
25 family had been using Signal prior to that.

1           Q       Well, it is true, isn't it, that he formed  
2       the intention to attempt to adopt Baby Doe in the  
3       fall of 2019; isn't that correct?

4           A       Fall of 2019. I don't know that that's  
5       absolutely correct as far as the intention of  
6       adopting her in 2019. He became aware of her  
7       existence in 2019.

8           Q       I'm just trying to pin down when in  
9       relation to that did you start using Signal, if you  
10      can remember.

11          A       Oh, I could not tell you.

12          Q       Are you active on social media?

13          A       I have a Facebook account. That's the only  
14      form of social media I have -- well, unless you  
15      consider YouTube social media, but, I mean, I have an  
16      account but I don't really use it much.

17          Q       And that's it for social media for you?

18          A       Uh-huh.

19          Q       Have you ever been convicted of a felony?

20          A       No.

21          Q       Have you ever been arrested for anything  
22      more serious than a routine traffic offense?

23          A       Never been arrested.

24          Q       And Joshua Mast is your brother, right?

25          A       Correct.

1 Q How old is he?

2 A Forty. He just turned 40, I think.

3 Q And you have other brothers?

4 A I do.

5 Q Who are they and how old are they?

6 A Richard Mast, he is the oldest. He would  
7 be -- I'm 34. He is 44. Joshua is 40. Caleb is 38.  
8 Me, 34. Jacob is 32. Jesse is 25.

9 Q Joshua and Richard are lawyers, right?

10 A Uh-huh.

11 Q Is Caleb a lawyer?

12 A He is.

13 Q What about Jacob and Jesse?

14 A No.

15 Q I'm sorry. How old did you say Jesse is?

16 A Twenty-five.

17 Q Let's go over some deposition guidelines  
18 before we get into the meat of this. Is that all  
19 right?

20 A Sure.

21 Q You understand that you are under oath?

22 A Of course.

23 Q Just as if you were testifying in a court  
24 of law.

25 A Sure.

1 Q Have you ever given a deposition before?

2 A I have not. First time.

3 Q Have you ever testified in court before?

4 A No.

5 Q Are you currently taking any medications  
6 that would interfere with your ability to understand  
7 my questions and to answer them truthfully?

8 A No, no medications at all.

9 Q If I ask a question and you don't  
10 understand it, please ask me to clarify it. All  
11 right?

12 A Okay.

13 Q So if you answer a question, may we assume  
14 that you understood the question and answered it  
15 truthfully?

16 A Sure. I will ask for clarification  
17 otherwise.

18 Q For the benefit of the court reporter, you  
19 and I need to try not to talk over one another, it  
20 makes it difficult for him and makes the record a bit  
21 messy, so please wait for me to finish a question  
22 before you attempt to answer it and I will try to  
23 afford you the same respect. I will let you answer  
24 before I go on to my next question. Okay?

25 A Sounds fair.

1           Q       I've got a stack of documents here. It's  
2 actually only half this size because I have them  
3 clipped together, so the time will come pretty soon  
4 when I'm going to have the court reporter mark  
5 exhibits, he will hand the record exhibit to you, we  
6 will distribute copies to the lawyers in the room and  
7 the lawyers who are online will also have digital  
8 access to them, so there's going to be some paper  
9 shuffling, but when the exhibit is in front of you,  
10 then I will ask questions of you about the document.  
11 All right?

12           A       Sure.

13           Q       From time to time, lawyers, including your  
14 own lawyer, may have objections. There's no judge  
15 here to rule on the objections and they have every  
16 right to object to my questions if they think the  
17 question is in some respect defective. Once the  
18 objection is over, though, you're going to have to  
19 answer. Do you understand?

20           A       Sure. Yeah.

21           Q       I will try to take a break every hour or so  
22 but I don't want you to feel like you're a captive in  
23 here. If you need to take a break for whatever  
24 reason on a different interval just let me know.

25           A       Thank you.

1 Q Any questions about the process?

2 A A couple. I presume we will be referring  
3 to people in the actual case itself. Do you want me  
4 to refer to them as like the Plaintiffs John, Jane  
5 Doe and Baby Doe or do you care?

6 Q I'm coming to that but that's a good  
7 question. So let's go ahead and get that nailed down  
8 now. It's very important for all of us to refer to  
9 the Plaintiffs as John Doe, Jane Doe and Baby Doe.  
10 Are you okay with that?

11 A I'm fine with that.

12 Q There are exceptions, however, because in  
13 some of the documents her Americanized name will  
14 appear and something that I understand is a code name  
15 that somebody applied to her also appears in the  
16 documents, and if that's what the document says,  
17 that's what we're going to focus on, so we will deal  
18 with that as we get to it, but I'm glad you brought  
19 that up because I'm just going to go ahead now and  
20 invoke paragraph (3)(b) of the recently-entered  
21 protective order, I think it's document number 224,  
22 which affords any counsel 30 days to designate  
23 testimony and/or exhibits as confidential under the  
24 protective order. That's my right and it's the right  
25 of all the lawyers involved in the case. That's not

1 something for you to worry about, that's something  
2 the lawyers will deal with later. All right?

3 A Okay.

4 MR. POWELL: Let's get this marked as  
5 Exhibit 1, please.

6 (Mast Deposition Exhibit No. 1 was marked  
7 for identification and attached to the  
8 transcript.)

9 BY MR. POWELL:

10 Q Mr. Mast, you have in front of you  
11 Deposition Exhibit 1. Can you identify that as the  
12 subpoena that we had served on you to compel your  
13 testimony today?

14 A Yeah, it looks like it.

15 Q And you will see down just below the middle  
16 of the page it says, "Please provide requested  
17 documents no later than June 28th of this year." Do  
18 you see that?

19 A I don't see it but I know it's on here  
20 because I remember that date.

21 Q It's right --

22 A Thank you. Yeah. Okay.

23 Q So you see that?

24 A Yeah.

25 Q Do you recall when you first saw the

1 subpoena?

2 A Yes. On the 17th I found a document in my  
3 front door.

4 Q Did you read it then?

5 A I think so. Yeah.

6 Q Did you understand it?

7 A Yeah.

8 Q Did you understand that it was effectively  
9 a court order?

10 A Yes.

11 Q And commanding you to produce the requested  
12 documents on or before June 28th, right? That's the  
13 language we just looked at.

14 A Sure. I understand that. Yes.

15 Q You understand that your lawyer, Mr.  
16 Harding, did not produce any documents to us until  
17 late in the evening of July the 13th, correct?

18 A That is correct.

19 Q Did anybody give you advice about your  
20 compliance with the subpoena?

21 A Sort of. I was attempting to acquire an  
22 attorney and talked to somebody who couldn't take my  
23 case but they did mention that I could basically ask  
24 for an extension.

25 Q Who was that?

1           A       His name is Kevin Bailey. He's an attorney  
2       in Appomattox, Virginia. Somebody I was -- actually,  
3       I was trying to get him to take my case and he was  
4       not able to.

5           Q       But you never retained him, did you?

6           A       No, sir, I did not.

7           Q       Did you speak with any other lawyers before  
8       you retained Mr. Harding last week?

9           A       Oh, yes, 19 of them.

10          Q       Nineteen lawyers?

11          A       I believe it was actually -- I think he was  
12       number 21.

13                   MR. POWELL: Better than 22.

14                   MR. HARDING: I'm not going to object.

15       BY MR. POWELL:

16          Q       Let me be more specific. You know that  
17       your brother and sister-in-law are represented by  
18       Mr. Francisco and his firm, correct, the McGuire  
19       Woods firm?

20          A       Yes.

21          Q       Did you speak with anybody at McGuire Woods  
22       about compliance with the subpoena?

23          A       No, not a single one.

24          Q       What about Hannon Wright?

25          A       I don't know who that is.

1 Q He's one of the lawyers in the state case.

2 A No.

3 Q Did you speak with your brother Joshua  
4 about the subpoena?

5 A I informed him I received one.

6 Q Did you talk to him about your obligation  
7 of compliance?

8 A No.

9 Q What about with Richard?

10 A Same. I informed him I received one but  
11 that's about it.

12 Q And the only lawyer you actually have  
13 retained in connection with complying with the  
14 subpoena is Mr. Harding; is that correct?

15 A Correct.

16 Q I'm curious, Mr. Mast. Why did you wait  
17 until the evening of June 28th, the day you were  
18 supposed to produce documents in compliance with the  
19 subpoena, before reaching out to my colleague  
20 Mr. Elliker?

21 A Sure. Like I said to Mr. Elliker in my  
22 email response, I have never dealt with a deposition  
23 before, never been subpoenaed before and I was  
24 nervous to respond without having talked to some form  
25 of attorney and up until that point I was unable to

1       acquire one.

2           Q       But I think I understood you to say earlier  
3       that at least someone along the way suggested that  
4       you would have the opportunity to negotiate a  
5       different timetable?

6           A       Yes, that is correct. And I don't think I  
7       actually received -- I don't want to say incorrectly  
8       here but I don't think I spoke to Kevin Bailey until  
9       maybe a day or two before the 28th. Not positive on  
10      that.

11          Q       So am I understanding you to say that your  
12      brother Joshua did not suggest that you wait until  
13      the last day?

14          A       Oh, no, not at all. Actually -- I don't  
15      remember what day I spoke with him but it was well  
16      before that and the only legal advice he said is "You  
17      should get an attorney as quickly as you can."

18          Q       Did Richard advise you to wait until the  
19      28th?

20          A       No, he did not.

21          Q       We counted up the documents that Mr.  
22      Harding was good to send to us last Thursday evening  
23      and there were only 39 of them. Are you okay with  
24      that number?

25          A       Sure. I didn't count them.

1           Q       Eleven of them were copies of documents  
2 already in the file in the federal court case; is  
3 that correct?

4           A       I don't know. I didn't count.

5           Q       But a significant number of them were court  
6 papers, right? They have the caption of the case on  
7 them.

8           A       Yes.

9           Q       What did you do to search for documents  
10 that would comply with your subpoena obligations?

11          A       What did I do to search for -- can you say  
12 it again?

13          Q       Yeah. So you got the subpoena, you knew  
14 you were under court order to produce documents,  
15 right?

16          A       Right.

17          Q       What did you do to find the documents  
18 responsive to the subpoena?

19          A       Oh. I just -- as far as I understood, the  
20 subpoena was basically asking for most of my  
21 information that I had with the details that had been  
22 listed there and I just went through my email and my  
23 Signal messages and sent those over to Elliott and  
24 Elliott forwarded them on to you guys.

25          Q       Did anybody help you find documents

1 responsive to the subpoena?

2 A No, not a single person.

3 Q When you say you looked in your emails, did  
4 you look in all three emails?

5 A No. I specifically sent them from the  
6 third one.

7 Q The proton.me account?

8 A Yes.

9 Q So you did not check your Liberty account?

10 A For information related to the case?

11 Q Yes.

12 A No.

13 Q How about the gmail account?

14 A No.

15 Q Did you actually send the subpoena to any  
16 of the lawyers you conferred with?

17 A Several. I don't think I sent it to Kevin  
18 Bailey. I will have to double check that. Aside  
19 from Elliott, I sent them to -- what was the name of  
20 that attorney that -- Michie Hamlett was the law  
21 firm. David Thomas, I sent it to him. And I think I  
22 sent it to one other.

23 Q Did you send it to Joshua?

24 A The subpoena?

25 Q Yes.

1           A       I don't -- I do not remember.

2           Q       Did you send it to Richard?

3           A       I don't remember that either. I don't  
4 think I did but I don't remember.

5           Q       Did you send it to Caleb?

6           A       No.

7           Q       Did you read the subpoena to any of those  
8 three, Joshua, Richard or Caleb?

9           A       No.

10          Q       Did you get any advice from any of the  
11 three of them, your brothers who are lawyers, on how  
12 to respond to the subpoena?

13          A       Oh. No.

14          Q       Did you have any contact with your  
15 sister-in-law Stephanie Mast regarding the subpoena?

16          A       None.

17                   MR. POWELL: Let's make this 2.

18                   (Mast Deposition Exhibit No. 2 was marked  
19 for identification and attached to the  
20 transcript.)

21 BY MR. POWELL:

22          Q       Jonathan, you've got that -- excuse me.  
23 I'm not going to call you by your first name. Mr.  
24 Mast, you have that Exhibit 2 in front of you now,  
25 right?

1           A       Yes, sir.

2           Q       And can you confirm that this is a copy of  
3       the letter that my colleague, Mr. Elliker, sent to  
4       you on June the 13th, 2023?

5           A       It does appear to be so, yes, sir.

6           Q       Do you recall when you first saw this?

7           A       This came to my Liberty email. I don't  
8       recall the exact day but it was probably the 13th or  
9       14th.

10          Q       So at least within a few days of the date  
11       of the letter itself?

12          A       Yeah, 24 hours, yeah.

13          Q       Did you read the letter?

14          A       I did.

15          Q       Did you understand it?

16          A       I did.

17          Q       Turn please to the third page of the  
18       letter. Down near the bottom you will see a header  
19       that says, quote, "Demand to preserve documents and  
20       electronically-stored information," close quote. Do  
21       you see that?

22          A       I do.

23          Q       Do you remember reading that provision in  
24       the letter?

25          A       Yes, sir.

1 Q Did you understand it?

2 A I believe so, yes, sir.

3 Q Have you complied with that directive?

4 A Oh. Yes.

5 Q Have you -- since receiving Mr. Elliker's  
6 letter within a few days of June the 13th, have you  
7 deleted any documents, whether hard copy or digital,  
8 that relate to this case?

9 A No, sir.

10 Q Did you tell Joshua about Mr. Elliker's  
11 letter?

12 A I think that I didn't mention the letter.  
13 I just mentioned -- well, I mentioned I got a cease  
14 and desist, so, yeah, I guess I mentioned the letter  
15 itself.

16 Q The letter -- in lawyer talk, the letter is  
17 considered a cease and desist letter. You understood  
18 that's what it was?

19 A Yes, sir.

20 Q And you told Joshua that you'd received it?

21 A Yes, sir.

22 Q Did you send a copy to Joshua?

23 A I don't want to say incorrectly but I don't  
24 think I did but I'm honestly not positive.

25 Q How about Richard? Did you send a copy to

1 Richard?

2 A Same. I don't remember for sure but I  
3 don't think I did.

4 Q How about Caleb?

5 A I'm positive I didn't send it to Caleb.

6 Q Do you get any advice from any of your  
7 brothers who are lawyers about the preservation of  
8 documents?

9 A No.

10 Q Before you sent -- before you retained Mr.  
11 Harding last week, did you send the cease and desist  
12 letter to any of the lawyers you were conferring  
13 with?

14 A Yes. The same ones that I sent the  
15 subpoenas to I also -- pretty much everything I  
16 received from Hunton Andrews Kurth to the same  
17 lawyers.

18 Q Let's go back for a minute to what you did  
19 to gather documents in compliance with the subpoena.  
20 You mentioned that you searched your  
21 proton.me email account, right?

22 A Uh-huh.

23 Q And you mentioned that you searched your  
24 Signal account?

25 A Uh-huh.

1 Q Do you have any automatic delete settings  
2 activated on your Signal account?

3 A Currently, no.

4 Q Have you previously?

5 A I have.

6 Q Give me the details on that, please.

7 A Well, Signal is an app that allows you to  
8 have automatic deleting stuff and so I've had that as  
9 a routine on most of -- most of my messages that I  
10 use on Signal, I've had that as a normal thing.

11 Q Is that feature activated now?

12 A No, sir. Once I got this I stopped them.

13 Q You anticipated my question. So before you  
14 got the cease and desist letter, am I understanding  
15 you to say that your Signal account had activated the  
16 auto delete function?

17 A Many of them, yes.

18 Q Did you do it on an email-by-email basis or  
19 did you just activate the setting and then it  
20 operates automatically?

21 A In Signal?

22 Q Yes.

23 A I operated the setting and it operated  
24 automatically.

25 Q So you just toggle it on or toggle it off

1 and once you turn it on it's on for all incoming and  
2 outgoing messages?

3 A For a particular thread. I think you can  
4 select like certain threads. If I had a message with  
5 Elliott, for instance, I can syphon that one to  
6 retain stuff and other ones not to.

7 Q So then because the auto delete function on  
8 your Signal account was active before you received  
9 the cease and desist letter, there would be a number  
10 of communications from you and to you on Signal that  
11 are no longer available; isn't that right?

12 A That would be correct, yes, sir.

13 Q Can you -- would these include  
14 communications with your brother Joshua?

15 A Yeah.

16 Q And Richard?

17 A Yeah.

18 Q How about Stephanie?

19 A No. I don't think I've ever sent anything  
20 to Stephanie on Signal.

21 Q Would these communications with Joshua and  
22 Richard that are no longer available because of the  
23 auto delete function, were they relating to this  
24 case?

25 A No. Not as far as -- as far as the case,

1       you're referring to like me being subpoenaed here or  
2       the case overall?

3           Q       Let me give you a date range. From January  
4       the 1st of this year until the time you received  
5       Mr. Elliker's cease and desist letter, you had  
6       multiple communication with Joshua over Signal,  
7       didn't you?

8           A       I did.

9           Q       And they are all gone now, correct?

10          A       Well, most of my communication wasn't  
11       written. I would just call my brother, so...

12          Q       But you were communicating -- between  
13       January the 1st of this year and the time you  
14       received Mr. Elliker's letter, you communicated  
15       multiple times with your brother Joshua over Signal  
16       regarding this case?

17          A       Not trying to avoid the question, I'm just  
18       not sure, so...

19          Q       Let me try to neck it down a little bit.  
20       You came to learn that your brother was in contact  
21       with the Pipe Hitter Foundation in January of this  
22       year, right?

23          A       Yes, that's right.

24          Q       And you yourself later were in contact with  
25       the Pipe Hitter Foundation, correct?

1 A Correct.

2 Q Did you communicate over Signal with your  
3 brother this year regarding his communication with  
4 the Pipe Hitter Foundation?

5 A I don't think so. Not written anyway. I  
6 might have called him on Signal because you can call  
7 as well. I might have called him on Signal but I  
8 don't think I wrote anything about that.

9 Q So when you place a call over Signal how is  
10 that stored?

11 A I don't know if it is. Just like a regular  
12 phone, I think. I don't know if it is stored or not.  
13 It's just a call.

14 Q Is there any record of the calls having  
15 been made?

16 A The dates show up when you like -- I'm not  
17 an expert on Signal but when you go back into the app  
18 and open it up, you can see like the date that you  
19 called like you would with a regular phone.

20 Q The same way on your outgoing calls on an  
21 iPhone?

22 A Yes.

23 Q Your recent calls, incoming and outgoing?

24 A I believe so.

25 Q But does Signal capture the content of the

1 phone communication?

2 A I don't know.

3 Q Can you estimate the number of Signal  
4 emails -- when I say emails, Signal mails, not phone  
5 calls. Can you estimate the number of Signal mails  
6 that you exchanged with your brother Joshua since  
7 January the 1st of this year that have anything to do  
8 with this matter?

9 A No.

10 Q Let me give you -- would it be more than  
11 ten?

12 A I honestly don't know. I don't -- I don't  
13 think we communicated via Signal about the case very  
14 much.

15 Q What were you communicating with him over  
16 Signal about if not this case?

17 A Well, we call each other fairly often  
18 actually, as I do with most of my brothers, we are a  
19 fairly close family, most of us live in the area and  
20 stuff. So like just recently I was coordinating our  
21 family get-together over the summer, you know, family  
22 pictures, fishing. I go fishing quite a bit. Stuff  
23 like that.

24 Q Why would you Signal for those  
25 communications rather than your gmail account?

1           A       Well, gmail is an email, Signal is like a  
2       text, so typically it's just easier to send a text  
3       than to send an email.

4           Q       So with Mr. Elliker's cease and desist  
5       letter, the protective order was attached, was it  
6       not? You will see it as an attachment to Exhibit 2.

7           A       Yes, sir.

8                   MR. POWELL: Let's mark this number 3,  
9       please.

10                   (Mast Deposition Exhibit No. 3 was marked  
11       for identification and attached to the  
12       transcript.)

13       BY MR. POWELL:

14           Q       Mr. Mast, the court reporter has just  
15       handed you a copy of Exhibit 3 for your deposition.  
16       I will just identify it for the record. It's a copy  
17       of the protective order that Judge Moon entered in  
18       this case on September the 13th of last year.

19                   Did you see that when you received Mr.  
20       Elliker's letter?

21           A       I did.

22           Q       Did you read it?

23           A       I did.

24           Q       Did you understand it?

25           A       I believe so. Yes, sir.

1           Q       Did you understand that the purpose of  
2       Judge Moon's protective order was to protect the  
3       identity of John Doe, Jane Doe and Baby Doe?

4           A       Yes, sir.

5           Q       Had you ever seen the protective order  
6       before you received it from Mr. Elliker?

7           A       I believe I may have stumbled across it  
8       when I was looking through documents regarding the  
9       case online, yes.

10          Q       Do you recall how it came into your  
11       possession?

12          A       Yeah. I went to Google and I was trying to  
13       find information regarding the case and I eventually  
14       found CourtListener which is -- I'm not exactly sure  
15       how that exists or what it's relation is to the  
16       actual case files but I found a lot of the  
17       information on there.

18          Q       Including the protective order?

19          A       I think so.

20          Q       Why would you go to Google or CourtListener  
21       to learn about what had been filed in the case rather  
22       than going to your brother Joshua?

23          A       Well, I was looking for the actual  
24       hard-copies to try to be -- basically to try to see  
25       the actual evidence myself.

1           Q       Are you saying you did not ask your brother  
2 Joshua for a copy of the protective order?

3           A       That's correct.

4           Q       How about Richard? Did you ask Richard for  
5 a copy?

6           A       No, sir.

7           Q       Do you recall when you -- approximately  
8 when you first saw the protective order?

9           A       It would have been after I had started  
10 talking to Pipe Hitter Foundation which I think was  
11 in May, so I'm going to say some time between mid-May  
12 and mid-June.

13          Q       So was it your communications with Pipe  
14 Hitter Foundation that caused you to go on Google and  
15 go to CourtListener?

16          A       Yeah. Yes, short answer.

17          Q       Did you ask the Pipe Hitter Foundation for  
18 a copy of the protective order?

19          A       No.

20          Q       Do you know whether the Pipe Hitter  
21 Foundation even had a copy of the protective order  
22 when you were dealing with the Pipe Hitter  
23 Foundation?

24          A       I don't know for sure but I don't think  
25 they did.

1           Q       Once you found the protective order in the  
2       way that you've just described for us, since then did  
3       you discuss it with Joshua?

4           A       I may have discussed it with him as far as  
5       like I understand that there's a protective order in  
6       place but not in any great detail, no.

7           Q       How about with Richard, did you discuss it  
8       with him?

9           A       I don't think so.

10          Q       So, Mr. Mast, just to be clear that I'm  
11       understanding your testimony here about when you  
12       first saw the protective order, you didn't get it  
13       from Joshua so you say, correct?

14          A       Correct.

15          Q       You didn't get it from Richard?

16          A       Correct.

17          Q       You found it yourself?

18          A       Correct.

19          Q       Explain to me again why once you became  
20       interested in locating the protective order you  
21       undertook to do your own research rather than  
22       contacting one of your brothers? Why would you do it  
23       that way?

24          A       If I could clarify that. I didn't go  
25       online to try to find the protective order. I was

1 actually going to find court documents because I was  
2 trying to look at the evidence to familiarize myself  
3 because I knew I was going to be going to -- with  
4 Pipe Hitter Foundation, they were arranging me to do  
5 some sort of media outlets, so I was going online to  
6 try to be as accurate as I could about what was going  
7 on with the case and the protective order was a  
8 byproduct of that. I wasn't searching for it.

9 Q Did you go all the way back to the  
10 beginning of the lawsuit in September of last year?

11 A I definitely didn't read every document  
12 that's online. I mostly was trying to focus on the  
13 evidence presented. So I think I've seen the  
14 original complaint if that's your question.

15 MR. YERUSHALMI: This is David Yerushalmi.  
16 I just want to interpose, if I may, and ask the  
17 witness to pause a little bit between the question  
18 and the answer because if any of the counsel,  
19 including myself, wish to interpose an objection,  
20 you're not giving us enough time to do so and I don't  
21 want to interrupt your answer.

22 THE WITNESS: Yes, sir, I can do that.  
23 Thank you.

24 BY MR. POWELL:

25 Q You still have the protective order in

1 front of you, Mr. Mast?

2 A Yes, sir.

3 Q Turn to the third page, please. And just,  
4 if you will to yourself, just read the first two  
5 sentences of paragraph number five. You don't have  
6 to read them out loud. I just want you to refresh  
7 your recollection by reviewing it and then I'm going  
8 to ask you a question.

9 A Yes, sir.

10 Q We have already covered this point in your  
11 testimony earlier but I just want to link it to  
12 what's actually in the protective order.

13 Do you understand the sentences you just  
14 read to yourself in the protective order to prohibit  
15 our using names other than John Doe, Jane Doe and  
16 Baby Doe in this deposition?

17 A Can you say it one more time?

18 Q Yeah. Do you understand that neither you  
19 nor the lawyers may use any names for the Plaintiffs  
20 other than John Doe, Jane Doe and Baby Doe?

21 A In this deposition?

22 Q Yes.

23 A Yes, sir.

24 MR. YERUSHALMI: Objection.

25 MR. POWELL: What's the objection?

1 MR. FRANCISCO: I will interpose.

2 Paragraph five specifically says you can do  
3 depositions where the names are used of the parties  
4 if the people in deposition know the names, which I  
5 think would apply here.

6 BY MR. POWELL:

7 Q You understand that we are not to use those  
8 names, right?

9 MR. YERUSHALMI: Objection. This is David  
10 Yerushalmi. I didn't hear the objection so I will  
11 just interpose mine. The document speaks for itself  
12 and that misstates the document.

13 THE WITNESS: Do I answer still?

14 BY MR. POWELL:

15 Q He is objecting for the record, not to  
16 coach you because he doesn't represent you, and even  
17 if he did, it would be inappropriate to coach you, so  
18 he has every right to object, as do all the lawyers.  
19 You don't have to pay attention to their objections  
20 unless Mr. Harding instructs you not to answer and I  
21 don't think that's going to happen, but if it does we  
22 will deal with it.

23 So I should have just left this alone  
24 because I think you and I had agreed a while ago that  
25 for purposes of the deposition today we're going to

1 use the pseudonyms John Doe, Jane Doe and Baby Doe to  
2 refer to the three Plaintiffs, correct?

3 A That's fine with me.

4 Q With one notable exception, as I said  
5 earlier, in some of the documents her Americanized  
6 name appears and the code name that someone assigned  
7 to her appears and I am not going to edit those  
8 documents. All right?

9 A That's fair.

10 MR. POWELL: Make this number 4, please.

11 (Mast Deposition Exhibit No. 4 was marked  
12 for identification and attached to the  
13 transcript.)

14 BY MR. POWELL:

15 Q Are you ready, Mr. Mast?

16 A Yes, sir.

17 Q So you've been -- this is a housekeeping  
18 matter. I'm not going to ask you questions about the  
19 specifics.

20 I've handed you a copy of a letter dated  
21 June the 26th from my colleague, Maya Eckstein, to  
22 you enclosing a subpoena requiring your attendance at  
23 a hearing that we have in front of Judge Moon this  
24 Friday the 21st. Did you receive this letter from  
25 Ms. Eckstein?

1 A Yes, sir.

2 Q And did you understand it to be compelling  
3 your attendance at the hearing this Friday?

4 A Yes, sir.

5 Q Summarize for me please your educational  
6 background.

7 A Sure. Graduate of high school. I hold a  
8 bachelor's degree in business marketing.

9 Q From?

10 A Liberty University.

11 Q What year?

12 A 2013 I believe is when I graduated. It's  
13 been a little while.

14 Q After your undergraduate degree from  
15 Liberty have you had any other formal education from  
16 then until now?

17 A No, sir.

18 Q Summarize your employment history since  
19 college, please.

20 A Let's see. My -- I started working -- you  
21 want like each job going forward?

22 Q Please. If you could do it -- this is not  
23 a memory test. I would just like a general idea of  
24 the jobs you've held since you graduated from  
25 college.

1           A       Online admissions counselor in 2013.

2           Q       At Liberty?

3           A       At Liberty, yes, sir. And then I worked  
4 for -- in the online department  
5 intensives/hospitality. You can just put  
6 hospitality, I guess. And then --

7           Q       I'm sorry. Who was your employer there?

8           A       Liberty as well.

9           Q       All right.

10          A       Liberty University has been my main  
11 employer since I graduated.

12          Q       And so just what jobs have you had from  
13 Liberty? You said you were an online admissions  
14 advisor.

15          A       Yes, sir. Hospitality coordinator. And I  
16 was an event coordinator for a different department.  
17 And currently my role is an associate director at  
18 Liberty University for special projects and events.

19          Q       Since you worked as an online admissions  
20 advisor have you worked in the admissions department?

21          A       Yeah, actually, I went back to it. So I  
22 worked in the online admissions department. I worked  
23 in hospitality which was still underneath Liberty  
24 online, and then they disbanded that department when  
25 they started making intensives not mandatory anymore

1 for like on-campus requirements, and so they put  
2 everybody -- basically re-purposed those folks back  
3 into the admissions department.

4 Q And so you went back to admissions and then  
5 went with event coordination?

6 A Yes, sir. And then after that I worked  
7 still for Liberty University as an event coordinator.

8 Q Have you ever served in our military?

9 A No, sir.

10 Q Let's talk a little bit about the general  
11 case background. You have mentioned already that  
12 you're close with your brothers?

13 A Yeah.

14 Q You're in regular contact with them?

15 A Yes, sir.

16 Q As best you recall, when did you first  
17 learn of Joshua and Stephanie Mast's interest in  
18 trying to adopt Baby Doe?

19 A To adopt her, I can't recall, but to -- I  
20 remember her -- in 2019, it was fall of 2019 that we  
21 first learned of her existence, and when the actual  
22 adoption process started I'm not positive.

23 Q Are you aware that the custody and adoption  
24 proceedings in the Fluvanna County Circuit Court  
25 began in that fall of 2019?

1 A No.

2 Q You just don't recall?

3 A Oh. Sorry. I don't recall where the  
4 adoption process started, so like I didn't know it  
5 was in Fluvanna.

6 Q You didn't know that until today?

7 A No, no, no. I didn't know that at the time  
8 in 2019. I didn't know that until I really started  
9 researching the case. I just knew that they were  
10 trying to adopt her.

11 Q As best you can recall, when did you learn  
12 of your brother and sister-in-law's intention to try  
13 to adopt Baby Doe?

14 A Shortly after I started my... Probably in  
15 2020. If I had to give a month on it, maybe that  
16 fall, like August or something. That's a guess.

17 Q How did you learn about it?

18 A I don't remember the specifics but I'm sure  
19 it was probably Joshua or Stephanie or somebody else  
20 in my family heard from somebody else. There's 26  
21 members of my immediate family. There's a bunch of  
22 us.

23 Q With reference to the Fluvanna County  
24 custody and adoption proceedings, have you ever  
25 received any documents from that file, either the

1 juvenile and domestic relations court or the circuit  
2 court?

3 A To clarify, have I ever seen anything  
4 regarding the dispute or the original adoption  
5 process?

6 Q You know that when there's a court case  
7 there's a court file, right?

8 A Yes, sir.

9 Q And the documents end up in the court file?

10 A Yes, sir.

11 Q And you've seen a number of the court file  
12 documents in this federal court case, right? You  
13 found them on your own.

14 A Yes, sir.

15 Q My question is with respect to the  
16 proceedings in the Fluvanna courts, the juvenile and  
17 domestic relations court and the circuit court, have  
18 you ever seen any court documents from either of  
19 those files?

20 A I believe so, yes, sir.

21 Q Which ones do you recall?

22 A Well, the ones that I had sent over to  
23 Mr. Elliker who forwarded them on to y'all. So that  
24 would be, I think -- I don't remember the exact label  
25 but it would be like the original complaint.

1 Q Forgive me for interrupting.

2 A Sure. You're fine.

3 Q What you sent Mr. Harding was the original  
4 complaint in the federal court case.

5 A Oh. Apologies.

6 Q My question may not have been precise. I'm  
7 talking about the state court custody and adoption  
8 proceedings now, so limit -- that's my focus now.

9 A Sorry.

10 Q Have you seen any documents from the  
11 custody or adoption files in the state court?

12 A No, sir, I don't -- I don't think so  
13 because it's my understanding everything for that is  
14 sealed.

15 Q You're right about that. Do you understand  
16 what that means?

17 A Well, yes, sir, that it's not available to  
18 the public record.

19 Q It's not available to anybody outside the  
20 litigants and the lawyers and the judge, right?

21 A I believe so.

22 Q So if any member of the media -- to your  
23 understanding, I know this is more a lawyer's area  
24 than yours, have you gone to either the J and DR  
25 court or the circuit court and asked to see papers

1 from the custody or adoption files?

2 A No, sir.

3 Q And you're understanding is that even if  
4 you were to do that you would not have access to  
5 them, right, because they are under seal?

6 A Yes, sir.

7 Q I will tell you that in the state court  
8 adoption case on January the 5th, 2023, the judge  
9 presiding there, Judge Worrell, entered an oral --  
10 order in court prohibiting the parties from having  
11 any contact with the media. Are you aware of that  
12 order?

13 A Yes, sir, I believe so.

14 Q How did you become aware of that?

15 A I'm not sure. I'm sure it was mentioned  
16 with -- some member of my family probably mentioned  
17 it to me.

18 Q So to the best of your recollection, you  
19 learned of Judge Worrell's January 5 order from one  
20 of your family members, right?

21 A Yes, sir.

22 Q Would it have been Joshua?

23 A It's possible.

24 Q Wouldn't it have probably been him since he  
25 is involved in that case?

1           A       Well, I don't know if probably is correct  
2       because he could have told somebody else and somebody  
3       could have told me.

4           Q       Did you hear of it from Richard who is  
5       counsel in that case?

6           A       I do not know.

7           Q       Have you seen a copy of the transcript of  
8       what Judge Worrell said on January the 5th?

9           A       Unless it's this protective order, I have  
10      not.

11          Q       Remember, this protective order is in the  
12      federal court case and I'm talking to you now about  
13      the state court adoption case.

14          A       No, sir, I have not then.

15          Q       Your brother Joshua and his wife Stephanie  
16      appeared on the CBS Morning News Show in January,  
17      right?

18          A       I don't know the month but they did appear  
19      on CBS.

20          Q       On two successive days, correct?

21          A       I don't know that either.

22          Q       Have you seen those interviews?

23          A       I have seen the interviews.

24          Q       They were over two days, right?

25          A       I don't know.

1           Q       Were you aware that they were going to  
2 interview with CBS before they did so?

3           A       I'm just trying to remember. I don't think  
4 so. It's possible. Like I don't remember the exact  
5 timeline but it's possible that I knew.

6           Q       Did it come to your attention that after  
7 Joshua and Stephanie appeared on the CBS Morning News  
8 that my team filed a motion in the federal court to  
9 have them held in contempt for violating the  
10 protective order because they shared photos of Baby  
11 Doe with CBS?

12          A       Actually, no, I didn't -- I was surprised  
13 to find that out -- I was surprised I didn't know  
14 that because I found that out about a month ago, I  
15 think.

16          Q       How did you learn of that?

17          A       Actually, it was the subpoena that I got --  
18 or -- I don't know if it's the subpoena itself if  
19 that's the proper term, but in one of those documents  
20 I got it mentioned that my brother had once again  
21 broken the protective order and was in contempt of  
22 court, and that was -- that kind of surprised me  
23 because I actually was unaware that they had been --  
24 that there had been a hearing or whatever about that.

25                 So that was when I first heard about the

1 fact -- I knew they did the CBS interviews and I knew  
2 there was -- like the judge had asked them not to  
3 talk to the media anymore but I didn't know there was  
4 a motion to hold them in contempt of court or  
5 whatever that proper term is.

6 Q So your testimony is that your brother  
7 Joshua and his wife Stephanie having been asked by us  
8 to be held in contempt by the court, they didn't  
9 share that with you, is that your testimony?

10 A If they shared it with me, I definitely  
11 don't remember hearing that but I don't believe they  
12 did.

13 Q I think we've established this, Mr. Mast,  
14 but let's go back to it.

15 Did I understand you to say earlier that  
16 you became aware at some point in early 2023 that  
17 your brother Joshua was in touch with an outfit  
18 called the Pipe Hitter Foundation?

19 A Yes, sir.

20 Q How did you learn of this?

21 A Let's see. I received a call from Dena  
22 Cruden, I think is how you say her last name,  
23 C-r-u-d-a-n (sic), and she informed me she talked to  
24 my brother Joshua and it went on from there.

25 Q Am I understanding you to say that you were

1       unaware of your brother Joshua's contacts with the  
2       Pipe Hitter Foundation until you received a call from  
3       Dena Cruden?

4           A       No, sir. To clarify, my brother Joshua had  
5       -- I think he had called me and said that I might get  
6       a call from someone named Dena Cruden and that was  
7       about it.

8           Q       Do you recall how far in advance of your  
9       contact from Dena Cruden that you learned this from  
10      your brother?

11          A       A day maybe.

12          Q       That close?

13          A       Yes, sir.

14          Q       And tell me about the conversation with  
15      Joshua about his expectation that Dena Cruden was  
16      going to contact you.

17          A       This was a while ago. I think I was  
18      actually fishing when I got the call. As far as the  
19      details go, I think he called and basically said that  
20      he had -- I don't remember what term he used but like  
21      had made contact or had been contacted by Pipe Hitter  
22      Foundation, told me that they help vets and first  
23      responders raise funds for legal defenses but that he  
24      couldn't work with them and that he had given them my  
25      number to see if I wanted to.

1           Q       Did he explain why he thought he could not  
2 work with the Pipe Hitter Foundation?

3           A       No.

4           Q       Did you ask him?

5           A       I don't think so.

6           Q       Why then was he advising you that Dena  
7 Cruden was going to call you instead of dealing with  
8 him?

9                   MR. HARDING: I will object. It's calling  
10 for speculation.

11                   MR. POWELL: That's a good objection.

12                   MR. FRANCISCO: I will state for the record  
13 that I join all the objections made so I don't have  
14 to pipe up every single time unless you have an  
15 objection to that.

16                   MR. POWELL: I do not. I'm fine with that.  
17 Thanks, Michael.

18 BY MR. POWELL:

19           Q       Were you curious to understand why your  
20 brother Joshua thought he could not continue to  
21 communicate with the Pipe Hitter Foundation?

22           A       To an extent. I was at least -- I wasn't  
23 extremely familiar but I was at least familiar enough  
24 to know that he was trying not to talk about the  
25 details of the court cases.

1 Q Did you do any research yourself regarding  
2 the Pipe Hitter Foundation?

3 A Yeah.

4 Q And what did you learn? I take it you must  
5 have gone to the website?

6 A Yes, sir. I went to their website and  
7 actually did quite a bit -- well, quite a bit --  
8 mostly what I did was I wanted to make sure that they  
9 were a legitimate organization and not a scammer.

10 Also, I was kind of like figuring out who  
11 they were and I looked at the different people, some  
12 of, not all of them, the current ongoing cases, like  
13 they are defending a law enforcement person right  
14 now, so like I did a lot of research into him and  
15 stuff.

16 Q Did you do this before or after you were  
17 contacted by Dena Cruden?

18 A Oh, after.

19 Q Between the time Jonathan (sic) told you  
20 that she was going to contact you and the time she  
21 contacted you, did you do anything to learn about  
22 what the Pipe Hitter Foundation --

23 A No, not a single thing.

24 Q You waited until you heard from her?

25 A Uh-huh.

1           Q       Do you know whether Joshua asked any other  
2 members of your family to be in contact on his behalf  
3 with the Pipe Hitter Foundation?

4           A       I don't know but I don't think so.

5           Q       So far as you know, you were the only  
6 family member to be so asked by Joshua, right?

7                   MR. HARDING: I'm going to object again.  
8 It calls for speculation.

9                   MR. POWELL: No, it does not. I said "so  
10 far as you know."

11                   THE WITNESS: So far as I know what?

12 BY MR. POWELL:

13           Q       Were you the only member of your family  
14 Joshua asked to speak to the Pipe Hitter Foundation?

15           A       As far as I know.

16           Q       Do you know whether the Pipe Hitter  
17 Foundation reached out to any other members of your  
18 family other than you?

19           A       I don't -- I don't think so but I didn't  
20 ask them.

21           Q       When Joshua called you soon before Dena  
22 Cruden reached out to you and he explained that he  
23 wanted you to talk to her, didn't he tell you that  
24 the Plaintiffs had moved to have him and Stephanie  
25 held in contempt of court for what they called --

1 MR. HARDING: Objection. Calls --

2 MR. POWELL: Let me finish my question,

3 please.

4 BY MR. POWELL:

5 Q Didn't he tell you that we had moved for  
6 contempt because of Joshua and Stephanie's interview  
7 on CBS?

8 A Absolutely not.

9 Q He said nothing to you about the contempt  
10 motion that we filed in January, is that your  
11 testimony?

12 A Yes, sir.

13 Q Did Joshua say anything to you about a gag  
14 order that he thought he might be subject to? Again,  
15 this is before you had any contact with the Pipe  
16 Hitter Foundation.

17 A And state the question again.

18 Q When you spoke to Joshua before you spoke  
19 to Dena Cruden or had contact with Dena Cruden, did  
20 Joshua say that he thought he was subject to a gag  
21 order?

22 A To be more specific, he didn't mention on  
23 the call about -- well, he had mentioned at some  
24 point that there was a gag order in effect and so  
25 that he wasn't -- I didn't know the specifics of what

1       that meant but he had mentioned at some point before,  
2       I'm not sure if it was that call or prior to that,  
3       but there was a gag order in effect for at least one  
4       of the court cases.

5           Q       Are those the words he used, gag order?

6           A       We have used that and protective order  
7       interchangeably, yeah.

8           Q       So when is the first time you heard  
9       Jonathan (sic) -- I'm sorry -- Joshua talk about a  
10      protective order?

11          A       I don't know.

12          Q       Was it before or after this call you had  
13      from him that he was going to hear from the Pipe  
14      Hitter Foundation?

15          A       The first time that I heard about it was it  
16      before that call? Probably before, yeah.

17          Q       That there was a protective order in place,  
18      you heard that from Joshua before he asked you to  
19      speak to the Pipe Hitter Foundation?

20                  MR. HARDING: I'm going to object to the  
21      framing of the question. He didn't state that he was  
22      told to talk to Pipe Hitter. He stated that he would  
23      receive a call from the Pipe Hitter Foundation.

24      BY MR. POWELL:

25          Q       When Joshua advised you that you were going

1 to be contacted by the Pipe Hitter Foundation, you  
2 could have declined, right?

3 A Sure.

4 Q Why did you not?

5 A Didn't want to.

6 Q Why? I know that you didn't want to  
7 because you did have contact with them, but why did  
8 you not decline Joshua's request?

9 MR. HARDING: Objection to Joshua having  
10 made a request for him to speak. The testimony was  
11 that he was notified that he may receive a call from  
12 the Pipe Hitter Foundation.

13 MR. POWELL: That's a fair objection.

14 BY MR. POWELL:

15 Q Joshua said you were going to be contacted  
16 by someone from the Pipe Hitter Foundation, right?

17 A Yes, sir.

18 Q And did he identify Dena Cruden by name?

19 A By first name, I think.

20 Q And then very soon after that conversation  
21 with Joshua you received a text message from Dena  
22 Cruden, right?

23 A It was either text or a call.

24 Q Asking for your cooperation, right?

25 A No, not asking for my cooperation. I think

1 she asked if I would be willing to share some of the  
2 story.

3 Q And what did you say?

4 A I said I would be willing to.

5 MR. POWELL: Let's mark this next, please.

6 (Mast Deposition Exhibit No. 5 was marked  
7 for identification and attached to the  
8 transcript.)

9 BY MR. POWELL:

10 Q Mr. Mast, you've been handed Exhibit 5  
11 which I will identify as being a May 9, 2023 email  
12 from Dena Cruden at Pipe Hitter Foundation to you.  
13 The header is "Pipe Hitter Foundation: Fundraising  
14 Campaign Implementation." Do you see that?

15 A Yes, sir.

16 Q Do you recall receiving this from  
17 Ms. Cruden on or about that day, May the 9th?

18 A I do.

19 Q And attached to her email is the Pipe  
20 Hitter Foundation grant agreement, correct?

21 A Uh-huh.

22 Q And if you look to the last page of the  
23 grant agreement, which is the third page of the  
24 exhibit, that's your signature, right?

25 A It is.

1 Q And you signed this contract on May the  
2 10th of 2023?

3 A Yes, sir.

4 Q By this point in time did you understand  
5 that Ms. Cruden, as represented on the email, was the  
6 executive director of the Pipe Hitter Foundation?

7 A I couldn't tell you her direct title but  
8 yes.

9 Q And you see there that's the way she  
10 identified herself in the email, right?

11 A Yes, sir.

12 Q You don't have any reason to disagree with  
13 that?

14 A No, I do not.

15 Q By then you had already been in  
16 intermittent contact with her since her first contact  
17 with you, right?

18 A Yes, sir, intermittently.

19 Q Before you signed this grant agreement, did  
20 you send it to Joshua?

21 A I don't think so.

22 Q Were you aware of whether the Pipe Hitter  
23 Foundation had shared it with Joshua before you were  
24 asked to sign it?

25 A No, I don't believe so.

1 Q You don't know or you don't think so --

2 A I don't know.

3 Q You don't know. So it's possible -- I  
4 don't want to ask the question like that.

5 You don't know one way or the other whether  
6 Pipe Hitter Foundation had shared this grant  
7 agreement with Joshua before you signed it?

8 A No, I did not ask.

9 Q Did Joshua know you were going to sign it?

10 MR. HARDING: Objection. Calls for  
11 speculation.

12 THE WITNESS: Do I wait?

13 BY MR. POWELL:

14 Q You can answer the question. Did Joshua  
15 know you were going to sign this grant agreement?

16 A Specifically I don't think so because I  
17 don't remember talking about this with him.

18 He knew I was going to -- I did tell him at  
19 some point I was going to work with Pipe Hitter  
20 Foundation to raise funds but I don't think he knew  
21 specifically that I was going to sign this.

22 Q Well, you were signing on his behalf, were  
23 you not?

24 A No, I was signing on my behalf.

25 Q Look at the first page of the agreement.

1 A Yes, I understand that.

2 Q It identifies the grantees as Joshua Mast  
3 and his family, right?

4 A Sure.

5 Q And you signed on their behalf, correct?

6 MR. FRANCISCO: Objection. Calls for legal  
7 conclusion.

8 MR. YERUSHALMI: David Yerushalmi. I join  
9 the objection.

10 MR. HARDING: I'm joining that as well.

11 MR. POWELL: For the benefit of the record,  
12 counsel in the room and online, I like  
13 Mr. Francisco's proposal that you need not adopt an  
14 objection posed by either the witness's lawyer or any  
15 of the other Defendants' lawyers. I think we can --  
16 the record can reflect that I have heard the  
17 objection and I will deem it as having been raised by  
18 all of you, not just whoever speaks. Fair enough,  
19 everybody? Any objection to that?

20 MR. HARDING: No.

21 MR. YERUSHALMI: None from David  
22 Yerushalmi.

23 MR. HOERNLEIN: No objection.

24 BY MR. POWELL:

25 Q So the purpose of this grant agreement, as

1       you understood it, Mr. Mast, was to enable the Pipe  
2       Hitter Foundation to provide financial assistance to  
3       your brother Joshua, right?

4           A       That's accurate.

5           Q       And you signed on his behalf in order to  
6       facilitate that arrangement, right?

7           A       Well, if I can change my wording or to  
8       clarify the question before I say yes or no, I didn't  
9       look at it as signing on his behalf. I was going to  
10      partner with Pipe Hitter Foundation to raise funds  
11      and then distribute that to my brother, so signing  
12      this on his behalf, that's what I mean by that.

13          Q       Sure. Because the money wasn't going to  
14      come for your benefit, was it?

15          A       No.

16          Q       Or your family's benefit, right?

17          A       Correct.

18          Q       It was going to be for the benefit of the  
19      people identified on the first page of this document  
20      as the grantees, right?

21                   MR. HARDING: I'm going to object. I think  
22      the document speaks for itself. It says the grantees  
23      are Mr. Mast and his family. My client is part of  
24      his family.

25      BY MR. POWELL:

1           Q       Who did you -- look at the first and second  
2       line of this contract, please, Mr. Mast.

3           A       Sure.

4           Q       The first sentence says, "The Pipe Hitter  
5       Foundation is implementing a fundraising campaign in  
6       support of Joshua Mast and his family, paren,  
7       grantees, close paren, under the PHF's hardship and  
8       legal defense grant program, paren/close paren." Do  
9       you see that?

10          A       Yes, sir.

11          Q       Did you expect that any money raised  
12       pursuant to this agreement would go to anybody other  
13       than Joshua Mast and his immediate family?

14          A       To be accurate, all the money came to me  
15       and then they entrusted me to distribute that.

16          Q       Understood. Did you understand that this  
17       agreement allowed you to distribute the funds to  
18       anybody other than Joshua Mast and his immediate  
19       family?

20          A       Did I understand that this agreement  
21       allowed me to distribute the funds to anyone other  
22       than Joshua Mast and his family. That is my  
23       understanding.

24          Q       And of the funds that came to you did you  
25       distribute all of them to Joshua?

1 A I did.

2 Q Did you keep any of them?

3 A Well, no essentially. I forwarded my  
4 brother once during a particular month that he was  
5 having a hard time keeping up with something and I  
6 loaned him a thousand and then reimbursed myself a  
7 thousand from Pipe Hitter after that.

8 Q To be clear, you didn't send any of the  
9 Pipe Hitter Foundation's money to anybody other than  
10 Joshua and his immediate family, right?

11 A That is accurate.

12 Q And you understood that was the purpose  
13 when you signed this document -- this contract on May  
14 the 10th, correct?

15 A Yes, sir.

16 Q And you were acting as Joshua's and his  
17 family's representative when you signed this  
18 document, right?

19 MR. FRANCISCO: Objection. Calls for a  
20 legal conclusion.

21 MR. YERUSHALMI: Objection.

22 BY MR. POWELL:

23 Q Go ahead. You can answer.

24 A By representative I don't mean like legal  
25 representative or that he had authorized me to or had

1 even discussed it with me, but representing as I'm  
2 telling the story because that's part of my family,  
3 sure.

4 Q Have you ever signed a binding contract on  
5 behalf of anyone else who did not authorize you to  
6 sign it ever in your life?

7 A I don't think I have signed a contract for  
8 anybody else ever.

9 Q You have signed them for yourself, of  
10 course.

11 A Of course.

12 Q And this is the only one in your life you  
13 signed on behalf of someone else?

14 MR. HARDING: Objection. Calls for a legal  
15 conclusion that it is actually signed on behalf of  
16 someone else.

17 BY MR. POWELL:

18 Q So, Mr. Mast, I'm reminding you that you  
19 are under oath and I'm telling you that Judge Moon is  
20 going to see this in the hearing on Friday.

21 Do you want him to believe that you were  
22 not acting on Joshua's behalf when you signed this?

23 A I want him just to believe the truth --

24 MR. YERUSHALMI: Objection. Hold on one  
25 second. Objection. This is David Yerushalmi. It's

1 argumentative. Go ahead.

2 THE WITNESS: Well, I will finish what I  
3 was saying. I just want him to know what I believe  
4 is the truth and that's exactly what I just said.

5 I signed this document for myself and they  
6 were entrusting me with the funds to distribute to my  
7 brother for help regarding legal fees, immediate  
8 needs and stuff like that.

9 BY MR. POWELL:

10 Q You were expecting to be the intermediary  
11 then between the Pipe Hitter Foundation and Joshua  
12 Mast and his family for the money, correct?

13 A For distributing the funds, correct.

14 Q And in effect, you were acting as an agent  
15 for the purpose of transmitting the money that you  
16 got from the Pipe Hitter Foundation to the grantees,  
17 right?

18 MR. HARDING: Objection. Calls for a legal  
19 conclusion.

20 MR. YERUSHALMI: Object.

21 MR. POWELL: Let's take a break.

22 THE VIDEOGRAPHER: We are now off the  
23 record. The time is 10:39 a.m.

24 (Recess, 10:39 a.m. - 10:54 a.m.)

25 THE VIDEOGRAPHER: We are now on the

1 record. The time is 10:54 a.m.

2 BY MR. POWELL:

3 Q Mr. Mast, what did you do to prepare for  
4 your deposition today?

5 A Really just two things. Prior to acquiring  
6 an attorney I was taking steps in case I had to come  
7 here without one, and so I went to YouTube and  
8 Googled how to prepare for a deposition.

9 Q Did you find anything useful on YouTube?

10 A I mean, a few things, I guess.

11 Q And other than your YouTube research, what  
12 else did you do to prepare for the deposition?

13 A Just really about it. Just YouTube and  
14 Google searched if anybody had any like internet tips  
15 and then I talked with my attorney.

16 Q So you spoke with Mr. Harding about the  
17 deposition before this morning, right?

18 A Yes, sir.

19 Q When did that happen?

20 A Oh. Let's see. I think we -- trying to  
21 make sure I'm accurate. Today is Monday. Would have  
22 been Thursday, something like that.

23 Q A couple days ago? End of last week?

24 A Yes, sir.

25 Q How long did you speak with Mr. Harding

1 about the deposition?

2 A I think we had like a 20-minute phone call.

3 Q Is that it?

4 A And we spoke again after that and then this  
5 morning.

6 Q So you've had three conversations with Mr.  
7 Harding in preparation for the deposition?

8 A Approximately.

9 Q What -- approximately how long in total do  
10 you think you've spent with Mr. Harding preparing for  
11 your testimony today?

12 A Ballpark?

13 Q Sure. That's fine.

14 A Maybe an hour.

15 Q Did you talk with Joshua about your  
16 deposition today?

17 A He knew I had been summoned to one but not  
18 as far as getting legal advice or anything.

19 Q Did he give you any suggestions or advice  
20 regarding how to comport yourself in the deposition  
21 today?

22 A No, sir.

23 Q How about from Richard? Did you get any  
24 advice from him?

25 A No, sir.

1           Q       How about from anybody at the McGuire Woods  
2       firm? That's the firm representing Joshua and  
3       Stephanie -- Mr. Francisco's firm.

4           A       No. This is the first time I've ever met  
5       or spoken to anybody from that firm.

6           Q       This morning?

7           A       Yes, sir.

8           Q       How about from any of the lawyers  
9       representing Joshua and Stephanie in the state court  
10      case? Did you speak with any of them in preparation  
11      for the deposition today?

12          A       No. I've actually never met any of the  
13      attorneys or representatives for either case.

14                   MR. POWELL: Let's mark this 6, please.

15                   (Mast Deposition Exhibit No. 6 was marked  
16                   for identification and attached to the  
17                   transcript.)

18      BY MR. POWELL:

19           Q       Mr. Mast, you've been handed deposition  
20      Exhibit No. 6 and I will tell you that so far as I  
21      can tell from the single-page message that you may  
22      not have seen that until today but I will identify it  
23      for the record.

24                   It is from Dena Cruden to somebody named  
25      Pam Tedesco and it says, "Hi Pam. Per our discussion

1       today please send 5K via ACH to Jonathan Mast." Do  
2       you see that?

3           A       Yes, sir.

4           Q       Did you receive \$5,000 from the Pipe Hitter  
5       Foundation on or after May the 19th?

6           A       After, yes, sir.

7           Q       Do you recall when the money came in?

8           A       I think it was about five or six days.

9           Q       So May the 19th was a Friday. Would it  
10       have been some time in the following week?

11          A       Yes, sir, I think that's right. There was  
12       a small delay where I had to follow up and they said  
13       that there was some kind of error on their end but I  
14       think that's about right.

15          Q       And do you identify that account  
16       information on Exhibit 6 to be for your personal bank  
17       account?

18          A       I believe it is. I don't have the numbers  
19       memorized but I believe it is.

20          Q       I looked up the routing number. It is for  
21       the First National Bank in Altavista. Is that where  
22       you bank?

23          A       That's me.

24          Q       Is that account in your name only?

25          A       Me and my wife.

1           Q       And you understood that the money was  
2       coming to you and to your First National Bank account  
3       from the Pipe Hitter Foundation in furtherance of the  
4       grant agreement that you had signed on May the 10th,  
5       right?

6           A       Yes, sir.

7           Q       And what did you do with the \$5,000?

8           A       I forwarded it to my brother.

9           Q       How did you do that?

10          A       Check.

11          Q       Same day? Soon after you got the money?

12          A       Soon after.

13          Q       You send all \$5,000 to your brother?

14          A       No. I -- this is the instance where I had  
15       reimbursed myself a thousand because I had loaned him  
16       a thousand.

17          Q       You had advanced him a thousand so then you  
18       kept a thousand of the five?

19          A       Uh-huh.

20          Q       And sent the four to him?

21          A       Correct.

22          Q       Has the Pipe Hitter Foundation sent more  
23       money to you since this initial installment of  
24       \$5,000?

25          A       No, sir.

1 Q Not a nickel?

2 A No, sir.

3 Q Why not?

4 A Shortly after -- what was the date on this?  
5 I think that -- this is a little bit speculative but  
6 I think that they -- I hadn't had as many -- I don't  
7 remember the exact dates for when I had talked to the  
8 media outlets but there was a lull, if you will, in  
9 fundraising.

10 Q Do you know whether the Pipe Hitter  
11 Foundation is still undertaking to raise money for  
12 your brother Joshua and his family?

13 A Well, to my understanding they have put a  
14 pause on everything until after this so I don't know.

15 Q When you say "after this" you mean the  
16 issue that we have with the Defendants and with you  
17 regarding what has happened this spring, right?

18 A Yes, sir.

19 Q Do you have any expectation that after this  
20 current dispute is resolved that the Pipe Hitter  
21 Foundation is going to continue to send money to you  
22 for your brother or do you know one way or the other?

23 A I don't know one way or the other. We  
24 haven't really had a lot of discussion. I personally  
25 haven't had a lot of discussion with Pipe Hitter

1 Foundation. It has been mostly through their  
2 attorney, so...

3 Q And that would be Caitlin Contestable?

4 A Correct.

5 Q When did you first have contact with  
6 Ms. Contestable?

7 A It would have been a couple weeks ago.

8 Q Tell me about that contact.

9 A Oh. Pretty brief. Just said -- introduced  
10 myself and she clarified that she had advised Dena  
11 specifically but Pipe Hitter Foundation basically to  
12 send communications through her just to be on the  
13 up-and-up until this deposition and whatnot.

14 Q Who initiated this contact that you had  
15 with Ms. Contestable?

16 A I think I had asked Dena a question and she  
17 said, "Can't really talk right now, not to be rude or  
18 anything, but just with the legal issue going on, you  
19 should probably talk to our attorney and do that and  
20 we will try to funnel communications through her."

21 So I got Caitlin's number from Dena and I  
22 think I called Caitlin first and then Caitlin -- I  
23 can't remember if I called her and she picked up or  
24 if she called me back but I think I called her first.

25 Q Just to be clear, you understood from Dena

1       that Caitlin Contestable is a lawyer representing the  
2       Pipe Hitter Foundation, right?

3             A       Yeah.

4             Q       And based on Dena Cruden's advice, you  
5       initiated contact with Ms. Contestable, correct?

6             A       Correct.

7             Q       Do you recall approximately when that was  
8       in reference to when you first got money from the  
9       Pipe Hitter Foundation?

10            A       It wasn't until -- this was in May, right?

11            Q       Yes.

12            A       So I talked to Caitlin for the first  
13       time -- I didn't even know her name until after the  
14       subpoena, so it probably would have been a week or  
15       two ago.

16            Q       Some time in late June or early July?

17            A       Yes, sir.

18            Q       Tell me about your first conversation with  
19       Ms. -- let me back up. Is that the only conversation  
20       you had with Ms. Contestable?

21            A       I think I called her twice.

22            Q       Did you speak with her both times?

23            A       Yes, sir.

24            Q       And what did she tell you?

25            A       Let's see. Not much. She just said what I

1       stated earlier along the lines of basically it was  
2       just like should I continue conversing with the  
3       people I have been talking with at the Pipe Hitter  
4       Foundation and basically let's put a pause on that  
5       for now and you should definitely get an attorney,  
6       she said to do that, and that's about it.

7           Q       So you came away from those two  
8       conversations with the understanding that she wanted  
9       you to go through her for any future dealings that  
10      you might have with the Pipe Hitter Foundation, am I  
11      understanding that correct?

12          A       That was my understanding.

13          Q       And were you fine with her request to go  
14      through her?

15          A       Yeah.

16          Q       Are those the only two times you have  
17      spoken with her?

18          A       Yes, sir.

19          Q       Have you exchanged any emails with her?

20          A       She sent me one email with a copy of the  
21      grant agreement.

22          Q       But you already had seen that, right,  
23      because you signed it?

24          A       Yeah.

25          Q       Do you recall if she sent you anything

1 else?

2 A She did not.

3 Q Did you send anything to her?

4 A No, sir.

5 Q Do you know how much money the Pipe Hitter  
6 Foundation has raised for your brother Joshua's --

7 A Well, I can -- I know the five grand that  
8 they initially sent to me and then I think there was  
9 somewhere close to four or five grand. Again, I'm  
10 not positive on the number, but I think it was  
11 somewhere in the ballpark of four or five grand that  
12 they were preparing to send, if I'm remembering  
13 correctly, when this happened.

14 Q When this happened, you mean the dispute  
15 over the protective order that we're talking about  
16 today?

17 A Yes, sir.

18 Q So how did you learn that they had raised  
19 an additional 4 or \$5,000?

20 A I had asked Dena.

21 Q So she told you they had raised an  
22 additional 4 to \$5,000?

23 A Yes.

24 Q In addition to the 5,000 they had already  
25 sent to you?

1           A       Yes, sir, I think that's right.

2           Q       And am I understanding you to say that she  
3       said they were going to put a pause on it and not  
4       send the money to you?

5           A       Yes, sir.

6           Q       Do you know whether the Pipe Hitter  
7       Foundation is continuing to try to raise money for  
8       your brother and his immediate family one way or the  
9       other, do you know?

10          A       I don't know for sure but to my  
11       understanding every indication was that they were not  
12       for now.

13          Q       Let's go back, Mr. Mast, to your first --  
14       what I think is your first communication with Dena  
15       Cruden.

16                   MR. POWELL: Let's mark this as Exhibit 7.  
17                   (Mast Deposition Exhibit No. 7 was marked  
18                   for identification and attached to the  
19                   transcript.)

20       BY MR. POWELL:

21          Q       So, Mr. Mast, you've been handed Exhibit 7  
22       which is a two-page text string starting on April the  
23       10th. I think they are all on April the 10th. Do  
24       you have that in front of you?

25          A       I do.

1           Q       And it starts off -- this is a text from  
2       Dena Cruden to you and she says, "Good morning  
3       Jonathan. My name is Dena Cruden and I am the  
4       executive director for the Pipe Hitter Foundation."  
5       Do you see that?

6           A       Yes, sir.

7           Q       And then she continues and says, "May I  
8       call you today at 10 p.m. Pacific Standard Time as we  
9       have been speaking with your brother Joshua. Thank  
10      you, Dena." Do you see that?

11          A       Yes, sir.

12          Q       Would this be your first contact with  
13      anybody from the Pipe Hitter Foundation, to the best  
14      of your recollection?

15          A       That's got to be right. Yeah, I think so.

16          Q       So this would have come not long after your  
17      brother Joshua had advised you that you were going to  
18      be receiving a contact from the Pipe Hitter  
19      Foundation, right?

20          A       Yeah, he informed me of that, yeah.

21          Q       So when she says that she had been speaking  
22      with your brother Joshua, did you learn from her when  
23      that conversation began between Joshua and the Pipe  
24      Hitter Foundation?

25          A       No, I did not ask.

1           Q       She was attempting to schedule a phone call  
2       with you. Did you have that phone call initially  
3       with her on or about April the 10th?

4           A       It was near there. I think it was the same  
5       day but it might have been a day or two after.

6           Q       Tell me what you remember about your first  
7       phone call with her that followed this text message.

8           A       Okay. Let's see. I'm trying to remember  
9       where I was.

10          Q       Did you call her or did she call you?

11          A       She called me.

12          Q       All right. She had your cell phone number,  
13       right, because that's how you got the text?

14          A       Yes, sir. I don't remember a great deal.  
15       I remember she explained who she was, what Pipe  
16       Hitter Foundation does as far as acquiring funds for  
17       military members and first responders, particularly  
18       for legal defense stuff, told me a tiny bit about  
19       Eddie Gallagher, and just that she asked me if I  
20       would be comfortable sharing the story regarding my  
21       brother Joshua, Baby Doe and just all that was going  
22       on and if I would be comfortable doing any kind of  
23       media interviews and --

24          Q       How did you answer those questions?

25          A       I thought about it for a bit and then said,

1 "Yeah, I think I'd like to."

2 Q Did you answer her "yes" during that first  
3 phone call?

4 A I think I did.

5 Q Did she tell you where she thought she  
6 might be able to arrange interviews for you?

7 A No, not a single one at the time.

8 Q Look at the second page of the exhibit,  
9 please. Down near -- well, at the bottom of the  
10 second page, she says, quote, "Thanks again. Can you  
11 share an email address so I can provide it to our PR  
12 firm and I will make introductions." Do you see  
13 that?

14 A I do.

15 Q Did you provide your email address to her  
16 for that purpose?

17 A I did eventually but I didn't provide it  
18 right then.

19 Q Why not right then?

20 A Well, because this was -- seemed like it  
21 was going to probably be a lot of communication and I  
22 created a new email account to keep track of that. I  
23 have my personal account, my gmail, I have my work  
24 stuff in my Liberty. I figured I'd create this one  
25 for handling these communications.

1           Q       So by this one you mean the proton.me  
2       account?

3           A       That's correct.

4           Q       So you set that email account up  
5       specifically to deal with these issues?

6           A       Correct.

7           Q       Have you used that email document for any  
8       other purpose?

9           A       Forwarding my attorney my communications  
10      with them. That's about it.

11          Q       Have you used it for any communications  
12      with the McGuire Woods firm?

13          A       No.

14          Q       What about the lawyers representing Richard  
15      Mast or Mr. Osmani?

16          A       No, sir. Again, never had any  
17      communication with either firm.

18          Q       Or the lawyer representing Ms. Motley.  
19      Have you communicated with that firm?

20          A       I called them once but never emailed them,  
21      no.

22          Q       Called who?

23          A       I tried to call Ms. Motley once but I  
24      didn't get ahold of anybody. They never returned my  
25      call.

1           Q       When did you try to reach -- and by  
2       Ms. Motley you mean Kimberly Motley who you  
3       understand is a defendant in this case, right?

4           A       I do.

5           Q       Why were you trying to reach her?

6           A       Well, this is not a short answer but AP  
7       News had written a story about my family and  
8       Ms. Motley was mentioned in that and when I spoke to  
9       AP News in regards to a little bit about what I  
10      remembered and knew about the case and the  
11      circumstances leading up to it, most of the  
12      background information prior to the actual case, they  
13      asked me to provide names of people that would be  
14      expert witnesses or somebody that could verify some  
15      of the stuff that I was saying, and so I came up with  
16      as many names as I could and she was one of them.

17          Q       So you're referencing your contact with AP  
18      News that happened last month, right?

19          A       Yeah, it was in June some time.

20          Q       And am I understanding you to say that  
21      either during or after that interview that you had on  
22      AP News they asked for the names of additional  
23      people?

24          A       Correct.

25          Q       And you gave them Kimberly Motley's name?

1 A Correct.

2 Q Was that after you had tried to reach her  
3 by phone?

4 A No. Oh, yes. So I talked to AP News and  
5 then tried to call Ms. Kimberly.

6 Q And how did you have her contact  
7 information?

8 A I Googled it.

9 Q You didn't get it from your brother --

10 A No.

11 Q -- Joshua?

12 A Huh-uh.

13 Q And you didn't speak to her at all?

14 A No, not even a receptionist. I just got a  
15 voice mail.

16 Q And she never called you back; is that  
17 correct?

18 A Correct.

19 Q So where -- back to the document that you  
20 just turned over. When Ms. Cruden asked you for your  
21 email address so she could provide it to the Pipe  
22 Hitter Foundation's PR firm, did you understand who  
23 that was -- who their PR firm was?

24 A I didn't at the time. I just knew it was  
25 Pipe Hitter Foundation PR firm.

1 Q Did you not ask who it was?

2 A Like for specific names? No, sir.

3 Q Did you later learn that it was an  
4 enterprise called Vought and Associates?  
5 V-o-u-g-h-t.

6 A That's actually new to me. Is that Mary  
7 Vought?

8 Q Yes.

9 A Yeah, I know who that is but I didn't know  
10 that it was a separate company from Pipe Hitter.

11 Q So -- I will come back to that. Thank you.

12 A Uh-huh.

13 Q So after this text message and phone call  
14 with Dena did you report to your brother Joshua about  
15 those communications?

16 A No.

17 Q You mentioned Mary Vought. You have  
18 communicated with her, right?

19 A Yes, sir.

20 Q Did you understand that she was acting on  
21 behalf of the Pipe Hitter Foundation or on behalf of  
22 your brother Joshua and his family?

23 A I just knew that she was with Pipe Hitter  
24 Foundation.

25 Q Did you think she was on the Pipe Hitter

1 Foundation payroll?

2 A I didn't know but I kind of presumed that.  
3 I didn't know if they were a partner or -- all I knew  
4 is the terminology that we used is our media partner.

5 Q And that's what you heard from Dena Cruden?

6 A Uh-huh.

7 MR. POWELL: Let's mark this 8.

8 (Mast Deposition Exhibit No. 8 was marked  
9 for identification and attached to the  
10 transcript.)

11 BY MR. POWELL:

12 Q Mr. Mast, you've been handed Deposition  
13 Exhibit 8. You've seen this photo album before,  
14 haven't you?

15 A Many times, yes, sir.

16 Q And this is a photo album available through  
17 Google, correct?

18 A Yes, sir.

19 Q And there near the top of the first page,  
20 this is one of those instances we talked about at the  
21 top of the deposition, you see the name Lily,  
22 L-i-l-y, right?

23 A Yes, sir.

24 Q And that's the Americanized name that your  
25 brother Joshua and Stephanie use for Baby Doe, right?

1 A Correct.

2 Q When did you first have access to this  
3 Google photo album?

4 A The email I'm sure would tell me. I think  
5 it was either 2020 or 2021.

6 Q Do you know who set it up?

7 A No. Probably one of my -- probably one of  
8 my brothers or my sisters-in-law.

9 Q Do you know when it was first set up?

10 A No.

11 Q Do you recall when you first had access to  
12 it?

13 A As soon as it was sent to me in 2020 or  
14 2021.

15 Q Do you know for what purpose it was  
16 established?

17 A To share photos with my brother's family,  
18 particularly Joshua and Steph's family, with the rest  
19 of us.

20 Q Have you ever added photos to it?

21 A No.

22 Q Do you have that ability?

23 A I've never tried.

24 Q Have you ever downloaded photos from the  
25 Google photo album?

1 A Yeah.

2 Q For what purpose?

3 A To have photos of my family on like  
4 devices.

5 Q Have you downloaded photos from the Google  
6 photo album and shared them with someone other than  
7 your family and friends?

8 A Yeah. I sent some photos from this to Pipe  
9 Hitter Foundation.

10 Q Anybody else? And when I say anybody else,  
11 I mean other than your immediate family and friends.  
12 You have said the Pipe Hitter Foundation is someone  
13 outside of that group to whom you have forwarded  
14 photos, right?

15 A If memory serves correctly, I think I  
16 sent -- I can't remember if it was me who forwarded  
17 these to Pipe Hitter and then they sent them on to  
18 OANN or if I sent them directly to OANN but they had  
19 some photos as well.

20 Q So by OANN you mean the One America News  
21 Network where you gave an interview in June, right?

22 A Yes, sir.

23 Q So you were aware that One America News had  
24 photos from the Google photo app before your  
25 interview took place?

1           A       Correct.

2           Q       And I think I'm understanding you to say  
3       you can't recall, at least not at the moment, whether  
4       those photos got to the One America News Network  
5       because you sent them or because Pipe Hitter sent  
6       them?

7           A       Correct. I think it was me.

8           Q       Other than Pipe Hitter Foundation and  
9       possibly the One America News Network, do you recall  
10      sending photos from Exhibit 8 to anyone else? Again,  
11      not including your immediate family and friends.

12          A       I don't believe I did.

13          Q       Have you ever shared the link to the photo  
14      album with anyone else?

15          A       Maybe my mom. I'm not positive, though. I  
16      could go back and maybe check but I don't think I  
17      have.

18                   MR. POWELL: Let's mark this next.

19                   (Mast Deposition Exhibit No. 9 was marked  
20                   for identification and attached to the  
21                   transcript.)

22      BY MR. POWELL:

23          Q       You've been handed Exhibit 9, Mr. Mast. I  
24      will tell you that my office compiled this list from  
25      the first page of the -- of Exhibit 8. Do you have

1 any reason to disagree with that?

2 A What is it?

3 Q Well, if you look at the first page of  
4 Exhibit 8 right under the name Lily you will see a  
5 bunch of small --

6 A Oh. It's the people who have access to the  
7 album.

8 Q That's what I'm asking you.

9 A Sure. I don't have any reason to disagree  
10 with that.

11 Q Okay. So the list of names and email  
12 addresses on Exhibit 9, from your understanding, is  
13 those people who are identified on the photo album  
14 itself?

15 A I never checked it, but sure.

16 Q So I don't want to spend too much time on  
17 this but let's just run down the list. I assume you  
18 obviously know the third name on the list is  
19 Stephanie Mast, your sister-in-law?

20 A Uh-huh.

21 Q Then Joshua Mast, your brother. Who is  
22 Fran Mast?

23 A My great aunt.

24 Q Do you know who Jennifer Brothers is?

25 A Who?

1 Q Jennifer Brothers at the top.

2 A I do not.

3 Q How about Ashley Delgado?

4 A No.

5 Q Down below Fran Mast is Flavio and  
6 Jacqueline Porta. Do you know who they are?

7 A I don't.

8 Q Who is Bridget Mast?

9 A I think that is my cousin.

10 Q Next is Lauren Mast Hershey. Is that  
11 another cousin?

12 A Yes. Aunt.

13 Q Below her name is Anna White. Who is she?

14 A No idea.

15 Q How about Dillon Throckmorton?

16 A Also no idea.

17 Q How about Cindy Beyer?

18 A Huh-uh.

19 Q Next is Emily Holmes.

20 A No.

21 Q Next is Eric Macrush. Do you know who he  
22 is?

23 A I don't.

24 Q How about Liliana Balcazar?

25 A I don't.

1 Q How about Georgia Pine K9?

2 A I don't know who that is. Kacy Labuda is  
3 my cousin.

4 Q Beneath Kacy Labuda is an email address.  
5 Do you recognize that email address?

6 A Huh-uh.

7 Q That would be a no? Sorry.

8 A No, sir. Sorry.

9 Q That was one of the instructions I didn't  
10 give you is uh-huh and huh-uh don't do very well on  
11 the record.

12 A Sorry.

13 Q It's fine. You've been doing great. So  
14 the next one is an email address bentaplace. Do you  
15 recognize that?

16 A Bentheplacedesign? No, sir.

17 Q Beneath that is battleshowers@gmail.com?

18 A Bertieshowers. That is my great aunt.

19 Q Great aunt. The next email is  
20 firechuck@gmail. Do you recognize that?

21 A I do not.

22 Q The next is hannonwright@gmail. Do you  
23 know who that is?

24 A I don't.

25 Q Do you not know that Mr. Wright represents

1       your brother and sister-in-law in the state court  
2       case?

3           A       Well, I don't recognize the email but that  
4       name rings a bell.

5           Q       But you know that Hannon Wright is one of  
6       the lawyers representing Joshua and Stephanie?

7           A       Well, I get the cases confused sometimes so  
8       I thought it was John Moran.

9           Q       Mr. Moran is with McGuire Woods. He  
10       represents your brother and sister-in-law in the  
11       federal case which is the case we're talking about  
12       here. So beneath Mr. Wright's email do you recognize  
13       the next email?

14          A       No.

15          Q       How about the next one?

16          A       No.

17          Q       I expect you to recognize the one below  
18       that.

19          A       That's mine.

20          Q       That's your gmail address, correct?

21          A       Yes, sir.

22          Q       The one you identified at the top of the  
23       deposition. Beneath your email who is that person,  
24       if you know?

25          A       I don't know that person or... My mom is

1 on here.

2 Q Where is your mother?

3 A Roberta.mast@gmail.com.

4 Q Okay. So we've skipped over some.

5 A Yeah.

6 Q Above your mother's name is Richard Mast.

7 That's your brother Richard, right?

8 A Yes.

9 Q And above Richard's name is pasterkeaton.  
10 Do you know who that is?

11 A I don't.

12 Q There's pasterkeaton and pastorkeaton. You  
13 don't know who they are?

14 A First time seeing this. No, I have no idea  
15 who that is.

16 Q And above that is -- it looks like Isabel.  
17 I'm sorry, the typeface is so small. Do you know who  
18 that is?

19 A I do not.

20 Q And did we do Justin McCoons?

21 A We did not and I do not know who that is  
22 either. Nor joshpeter1975.

23 Q Okay. And beneath your mother's email  
24 address -- so there are only two because Roberta Mast  
25 is your mother?

1 A That's correct.

2 Q And the two emails beneath your mother's  
3 email, do you recognize those?

4 A I do not.

5 Q And so do you understand that the people  
6 whose names are listed on Exhibit 9 have the same  
7 access to the Google photo album that you enjoy?

8 A I do, yeah.

9 Q If you look back at the previous exhibit,  
10 Exhibit 8, I'm asking you to confirm what I think is  
11 obvious. These photos are meant to be in  
12 chronological order; is that correct?

13 A I don't know. I think so, yeah.

14 Q And the first several pages of Baby Doe are  
15 before she left Afghanistan, can you agree with that?

16 A I agree with that.

17 Q If you turn all the way to page nine, do  
18 you have that?

19 A I do.

20 Q And in the third row you will see a  
21 picture. That's your sister-in-law Stephanie with  
22 Baby Doe, correct?

23 A That's correct.

24 Q And do you understand that to be a  
25 photograph taken of the two of them in the Ramstein

1 Air Force Base in Germany?

2 A I wasn't sure if it was Germany or in  
3 States, but yes.

4 Q But in any event, it's after Baby Doe left  
5 Afghanistan?

6 A Oh, yeah.

7 Q So if you scroll forward through the rest  
8 of the photos, this is just my interpretation, these  
9 all appear to have been taken since Baby Doe left  
10 Afghanistan. Do you agree with that?

11 A Yeah, I agree with that.

12 Q So if we go to the -- let's just go to the  
13 last two or three pages. Actually, Mr. Mast, let me  
14 ask you a different question.

15 A Sure.

16 Q Get the other exhibit in front of you, the  
17 one-pager. Don't put the photos too far away. But  
18 if you look at the top of the one to the right of the  
19 long list of names, you see where it says "Lily"?

20 A Yeah.

21 Q And then there's a date range, September  
22 the 6th, 2019 to June the 4th, 2023. Do you see  
23 that?

24 A I do.

25 Q So is it your understanding from looking at

1 Exhibit 8 that the most recent photos, say the last  
2 three pages or so, are fairly current?

3 A Yeah, that seems right.

4 Q When did you last see Baby Doe?

5 A We had a family get-together at my mom's  
6 house late May.

7 Q Of this year?

8 A Yes, sir.

9 Q So six weeks or so ago?

10 A I think that's right.

11 Q How regularly have you seen her in 2023?

12 A At least four times.

13 Q So if you look at the last two or three  
14 pages of Exhibit 8, can you say that these are  
15 pictures of Baby Doe the way she looks now?

16 A Yes.

17 Q I asked you a little while ago, Mr. Mast,  
18 who you recall sending the Google photo album to and  
19 you answered my questions.

20 Do you have any awareness of to whom the  
21 other people listed on Exhibit 9 have sent the photo  
22 album?

23 A Oh, I have no idea.

24 Q Do you know whether Joshua has advised any  
25 of the people on that list of the existence of Judge

1 Moon's protective order?

2 A I do not.

3 Q Do you know whether Stephanie has advised  
4 any of the people on the list of Judge Moon's  
5 protective order?

6 A No, sir, I don't know.

7 Q Do you know whether your brother Richard  
8 has advised any of the people on the list of Judge  
9 Moon's protective order?

10 A I do not know that either.

11 Q Do you know if there is any record of the  
12 persons or email addresses to whom the URL for this  
13 album, Exhibit 8, has been sent?

14 A I do not know.

15 Q Are you aware of any way to determine how  
16 far and wide Exhibit 8 has been circulated by the  
17 people on the list shown on Exhibit 9?

18 A No, sir. Aside from my immediate influence  
19 of like sending it to --

20 Q Sure. Other than what you recall you did,  
21 but you don't have any way of knowing to whom, if  
22 anybody, the other people on the list on Exhibit 9  
23 may have sent the URL for this photo album?

24 A Correct. I don't know.

25 MR. POWELL: Let's mark this 10, please.

1 (Mast Deposition Exhibit No. 10 was marked  
2 for identification and attached to the  
3 transcript.)

4 BY MR. POWELL:

5 Q Mr. Mast, you've been handed Exhibit 10  
6 which if you will take a few minutes to look at it,  
7 you will see it's a string of text messages between  
8 you and Dena Cruden starting on May the 9th and  
9 running up until May the 11th. Do you see that?

10 A I do.

11 Q Now that you have Exhibit 10 in front of  
12 you, do you recall exchanging these text messages  
13 with Ms. Cruden regarding the project -- the Pipe  
14 Hitter Foundation fundraising agreement?

15 A Yes, sir, I do.

16 Q And right there at the beginning on the  
17 first page at the top she's -- after saying, "Good  
18 morning," she says she has an agreement that she is  
19 sending to you on behalf of the Pipe Hitter  
20 supporting Joshua. She asks may she send it to you  
21 for your signature, right?

22 A That's right.

23 Q And that's the agreement we looked at a  
24 little while ago that you signed on May the 10th?

25 A Yes, sir, that's right.

1           Q       Turn to the second page of Exhibit 11,  
2       please. Exhibit 10. Sorry. The one in front of  
3       you.

4           A       Okay.

5           Q       You offered her a couple of editorial  
6       suggestions in the agreement, right?

7           A       I did.

8           Q       Did she make those changes?

9           A       Yes.

10          Q       Did -- are those your suggested changes or  
11       did they come from someone else?

12          A       They came from me. I looked it over and  
13       found it had the wrong name and whatever else is  
14       there.

15          Q       And then you said there a little below the  
16       middle of the page, you say, quote, "Once those  
17       changes are made I will be happy to proceed," right?

18          A       I did.

19          Q       And that's what happened, correct?

20          A       Yeah.

21          Q       Still on that second page of Exhibit 10,  
22       you go on to say, quote, "As for the other document,  
23       I think it might be worth editing that the baby was,  
24       quote, code named Starfish with a capital S, close  
25       quote, instead of just named starfish." Do you see

1           that?

2           A        I do.

3           Q        And that was another suggestion you made?

4           A        It was.

5           Q        But what was the other document to which  
6           you were referring?

7           A        Beg your pardon?

8           Q        At the beginning of that sentence you say,  
9           "As for the other document."

10          A        Oh.  Apologies.

11          Q        That's all right.

12          A        So there's two documents that she sent over  
13          to me that I looked over and reviewed.  One was like  
14          a newsletter or what was going on their web page and  
15          that just kind of summarized the story and I based  
16          that heavily on what was on America Freedom Law  
17          Center I think is their name.  They had a  
18          summarization of some of the facts of the case and --  
19          so anyway, so it was similar to that, and then I -- I  
20          didn't want people to think that her name was  
21          actually Starfish so I clarified that.

22          Q        I think you've answered my question.  So  
23          the, quote/unquote, other document to which you were  
24          referring in your text message with Dena Cruden was  
25          what ultimately was posted on the Pipe Hitter

1 Foundation website?

2 A Yes, sir.

3 Q And in looking at that draft, am I  
4 understanding you to say that you did some research  
5 of your own on the American Freedom Law Center  
6 website?

7 A Uh-huh.

8 Q Did you know that Mr. Yerushalmi was  
9 representing your brother Richard?

10 A Yes. Well, rephrase. I know that he is  
11 representing him now. I didn't know who David  
12 Yerushalmi was at the time but I knew who American  
13 Freedom Law Center was.

14 Q And how did you know who the American  
15 Freedom Law Center was in May of this year?

16 A Richard had told me who they were, not  
17 necessarily in May, some time before.

18 Q And what was the context in which Richard  
19 was telling you who the America Freedom Law Center  
20 is?

21 A Just that that was a firm that his lawyer  
22 was from.

23 Q But I thought you just said you didn't know  
24 Mr. Yerushalmi was in the case until recently?

25 A Well, Yerushalmi specifically, like his

1 name, but the firm, yes.

2 Q So you understood from Richard at some  
3 point that the American Freedom Law Center was  
4 providing legal representation to him but you didn't  
5 know until recently that it was Mr. Yerushalmi?

6 A Specifically, yes.

7 Q When did Richard tell you that he was being  
8 represented by the American Freedom Law Center?

9 A Oh, I don't remember. That was a while  
10 ago.

11 Q It would have been this calendar year,  
12 wouldn't it?

13 A Yeah, it would have to have been, I think.

14 Q So after January 1st of this year?

15 A Again, I think so but I don't know.

16 Q Would it have been before or after your  
17 first contact with Dena Cruden on April the 9th?

18 A Oh, before.

19 Q Did you have any contact with anybody at  
20 the American Freedom Law Center in preparing what you  
21 were going to say to Dena?

22 A No, sir. As I said before, I had never  
23 spoken to any other attorneys -- actually, until I  
24 started looking for my own, I hadn't spoken to any  
25 attorneys in regards to this.

1           Q       So you just did your own research by going  
2       to the website for the American Freedom Law Center?

3           A       Uh-huh.

4           Q       But you didn't have any contact with any of  
5       their personnel or their lawyers at the time; is that  
6       correct?

7           A       Or since, ever, yes, that's correct.

8           Q       Turn to the third page of this text string.  
9       Do you have that in front of you?

10          A       Yes, sir.

11          Q       Right above the middle of the page, I see  
12       where you sent to Dena this message, "Also, do y'all  
13       want or already have photos to insert into the  
14       newsletter." Do you see that?

15          A       I do.

16          Q       And the newsletter would have been the  
17       document that you anticipated was going to be posted  
18       on the Pipe Hitter Foundation website?

19          A       That's correct.

20          Q       Did she respond to that question?

21          A       It doesn't look like it's here. She might  
22       have called me instead to talk about it.

23          Q       Do you recall that she did follow up that  
24       question with a phone call?

25          A       I don't recall but we must have talked

1 about it because I remember sending photos to her.

2 Q Did you -- I will show you some documents  
3 in a minute consistent with your recollection.  
4 Before we get there, though, were you sending them to  
5 her on your own initiative or because she asked for  
6 them?

7 A I think she asked me if they had any photos  
8 that they could use. Yeah, I think that's right.

9 Q Do you remember sending to her the link to  
10 the Google photo album?

11 A If memory serves correctly, what I thought  
12 I did was selected a few photos and sent them to her  
13 so they wouldn't have the whole family album.

14 Q Let's keep talking about the photos a  
15 little bit because I think it's consistent with what  
16 you just testified. Turn to I guess the third page  
17 of the exhibit. It's the fourth page of the exhibit.

18 A Okay.

19 Q The one that starts with "also as silly as  
20 it sounds." Do you see that?

21 A Yes, sir.

22 Q Skip down to below the middle of the page,  
23 you will see an entry on May the 10th from you and  
24 you say, quote, "Sorry for the many messages. I went  
25 ahead and sent some of the better photos I thought

1           were appropriate." Do you see that?

2           A        I do. Yes, sir.

3           Q        So that's consistent with what you've  
4           already told me that you remember sending photos to  
5           her?

6           A        Yes, sir.

7           Q        Whether at her request or your own  
8           initiative?

9           A        Uh-huh.

10          Q        What did you mean when you said to her that  
11         you sent photos that you thought were appropriate?

12          A        Oh, a couple things. I really meant in  
13         general context like they would be good photos for  
14         what we were doing. I didn't really have anything  
15         specific in mind but like a general version of what I  
16         meant was appropriate.

17          Q        Would these have family photos for your  
18         brother and Joshua and Stephanie and Lily? I'm  
19         calling her Lily. I should call her Baby Doe. Let  
20         me rephrase the question.

21                    When you say appropriate -- better photos  
22         that you thought were appropriate, would these have  
23         been photos on the Google photo album?

24          A        Oh, yeah.

25          Q        And explain to me again why you thought

1       they were appropriate for transmission to the Pipe  
2       Hitter Foundation?

3           A       Well, as far as I think what you're getting  
4       at, they were pictures that show Baby Doe and my  
5       brother Joshua and I think one with Stephanie.

6           Q       Taken since they -- since Baby Doe left  
7       Afghanistan, right?

8           A       Some. Some of them were, some of them  
9       weren't.

10          Q       So there were photos of Baby Doe obviously  
11       without your brother and sister-in-law that  
12       were taken -- well, there was one of your brother and  
13       Baby Doe in Afghanistan, right?

14          A       Yes, sir.

15          Q       All right. I'm with you. Turn to the next  
16       page, please. Down below the middle of the page she  
17       says this, quote, "Hi Jonathan, may I connect you via  
18       Signal with our PR agency Mary Vought." Do you see  
19       that?

20          A       I do.

21          Q       And you said, "Yes, that is fine."  
22       Correct?

23          A       Yes.

24          Q       Do you have any understanding of why she  
25       wanted to connect you with the PR agency using

1 Signal?

2 A Not specifically as to Signal. I know why  
3 she was connecting me with the PR agency.

4 Q Did you ask her why she wanted you to use  
5 Signal?

6 A Oh, I think I had asked that.

7 Q Right. But she says here on this text  
8 message, "Hi Jonathan, may I connect you via Signal  
9 with our PR agency."

10 A Right. I'm saying that I had requested to  
11 Dena previously if we could communicate via Signal.  
12 I just asked her if she had a Signal and so she  
13 probably just presumed that that was what I preferred  
14 to communicate on.

15 Q And you said yes?

16 A Yes, I said that was fine.

17 Q Down at the very bottom of the page is a  
18 text that says, quote, "2K, that is \$2,000, already  
19 came in this morning quickly." Do you see that?

20 A I do.

21 Q And that's from Dena, right?

22 A That's correct.

23 Q And did you understand she to be saying  
24 that they had raised \$2,000?

25 A Yes. It was my understanding that after I

1 had signed that document and sent it over they  
2 had either -- I don't know if they do an email blast  
3 or if they just put it on the website, but from those  
4 initial interactions that's where that came from.

5 Q Okay. So you signed it on May the 10th and  
6 her text to you is the very next day, May the 11th,  
7 right?

8 A Uh-huh.

9 Q Do you recall how often you communicated  
10 over Signal with Mary Vought or any of her  
11 colleagues?

12 A To clarify, did I ever use anything else?

13 Q No. Do you recall how often you used  
14 Signal to communicate with her?

15 A No. I mean, it was sporadic because they  
16 wouldn't just contact me to say hi. It was  
17 basically, were you available for this or that.

18 Q Do you still have copies of those texts?

19 A Some of them.

20 Q Did you produce them to your lawyer for  
21 production to me?

22 A I think so.

23 Q When you say some of them, why would you  
24 not have all of them?

25 A Well, prior to me receiving the subpoena, I

1 had -- as I mentioned earlier, I had my Signal set up  
2 to remove a lot of stuff automatically.

3 Q So that's consistent with your earlier  
4 testimony. Once you got the subpoena and the cease  
5 and desist letter from Mr. Elliker, you disabled the  
6 auto delete feature on Signal?

7 A Uh-huh. Yeah. Well, I should also  
8 clarify, on ones relevant to the case. I haven't  
9 removed it on every single Signal thread.

10 Q We may have covered this already, Mr. Mast.  
11 If so, I apologize.

12 A That's okay.

13 Q Have you been communicating with Joshua  
14 about this matter using Signal?

15 A Well, I have called him on Signal but I  
16 never texted or emailed him anything about it, so I  
17 have used Signal as a means -- it's pretty much the  
18 only means I communicate with all of my family. It's  
19 become our habit over the last couple of years to  
20 just use Signal for the most part. There's a few  
21 exceptions.

22 MR. POWELL: Let's make this 11.

23 (Mast Deposition Exhibit No. 11 was marked  
24 for identification and attached to the  
25 transcript.)

1 BY MR. POWELL:

2 Q Mr. Mast, you've been handed Deposition  
3 Exhibit 11. Let me identify it for the record. It's  
4 a series of multiple emails starting on May the 5th  
5 going all the way through I think the 10th of May.  
6 Do you have that in front of you?

7 A I do.

8 Q And the email at the top of the first page  
9 is an email from Dena Cruden to your brother Joshua  
10 dated May the 5th, right?

11 A Yes.

12 Q So that -- you recognize your brother's  
13 email address as [https://protect-us.mimecast.com/s/mSgTCjRPR5UnR2DJ](https://protect-us.mimecast.com/s/mSgTCjRPR5UnR2DJiWPFod?domain=icloud.com)  
[iWPFod?domain=icloud.com](https://protect-us.mimecast.com/s/mSgTCjRPR5UnR2DJiWPFod?domain=icloud.com)

14 A Well, I don't use that one with him. He  
15 also graduated from Liberty so we have always  
16 communicated via the Liberty email for the most part,  
17 but, yes, I believe that is his.

18 Q And regardless of the email address, it's  
19 clear to you, isn't it, that is Dena sending to  
20 Joshua the information about the fundraising  
21 campaign?

22 A It appears to be so, yes.

23 Q And were you aware -- is this the first  
24 time you knew that the fundraising goal was \$100,000  
25 or did you already know that?

1 MR. FRANCISCO: Objection. Foundation. I  
2 don't think he's on that first email.

3 MR. POWELL: He's not. You're quite right.  
4 BY MR. POWELL:

5 Q I will withdraw the question, Mr. Mast.  
6 Let me phrase a better one.

7 A Okay.

8 Q So down at the bottom of the first page,  
9 that's Dena forwarding to you on May the 9th a copy  
10 of the email she sent to Joshua. Am I understanding  
11 that correctly?

12 A Yes, sir, I think that is correct. At the  
13 time I don't think I even realized that this is  
14 forwarded. She told me she was sending attachments  
15 for the agreement and what was going on the website  
16 and so she just sent me those and I -- so it kind of  
17 caught me by surprise seeing his email there because  
18 I don't -- anyway, yes. Sorry. Long answer.

19 Q And so you learned then on May the 9th that  
20 the fundraising campaign goal was \$100,000?

21 A Uh-huh. Yeah.

22 Q And that's the number that appears on the  
23 actual agreement that you signed, right?

24 A Yes, sir. And I'm not sure if I saw it  
25 here or on the agreement but I knew it was 100,000.

1           Q       May the 9th or May the 10th you learned  
2       what the number was?

3           A       Yes.

4           Q       So turn to the second page please of  
5       Exhibit 11. So right there is you're sending to Dena  
6       some photos in chronological order of, as you say in  
7       this email, Lily when she first came into American  
8       custody, right?

9           A       Yes.

10          Q       Why were you sending these to Dena? Did  
11       she ask for them?

12          A       This was in reference to our text  
13       conversation earlier about photos that were  
14       appropriate for the website and fundraising.

15          Q       So this is just a continuation of that  
16       conversation, you are now actually initiating on  
17       sending photos to her?

18          A       Uh-huh.

19          Q       And these are photos that you selected?

20          A       I think so, yeah.

21          Q       From the Google photo album?

22          A       Yes.

23          Q       Did she give you any criteria for selecting  
24       the photographs?

25          A       She did not. Just I think that all we said

1 was some decent photos.

2 Q So you understood to make the selections  
3 and you sent them to her?

4 A I did.

5 Q Did you get any help from anybody else?

6 A No.

7 Q Did you get any advice from Jonathan (sic)  
8 or Stephanie on what photos to send to Dena?

9 A To Joshua and Stephanie? No, I did not.

10 Q I'm sorry. Did I say Jonathan?

11 A My dad does it all the time. It's okay.

12 Q Sorry.

13 A But, no, I did not. I did not receive any  
14 advice from Josh or Stephanie or Richard or anybody  
15 really. I just looked at the Google drive myself and  
16 pulled certain photos and sent those over.

17 Q If you turn to the fourth page of the  
18 exhibit, it's got I guess the last three photos in  
19 the stack you sent to her.

20 A Yeah.

21 Q Is that Senator Cruz in the middle of the  
22 photo at the top?

23 A I believe it is.

24 Q Do you have any idea -- and do you  
25 recognize that to be Baby Doe in your brother's arms?

1           A       Yeah. That's Joshua, Stephanie, Baby Doe,  
2       Ted Cruz and I don't know who the other people are.

3           Q       Do you have any idea why your brother and  
4       sister-in-law were with Baby Doe and Senator Cruz?

5           A       To my understanding, I don't know if it was  
6       Joshua or a third-party or whatever but somehow some  
7       communication with Ted Cruz's office probably back in  
8       2019 or 2020, they had had some communication about  
9       helping in the process of trying to get her out of  
10      Afghanistan, and so I think that he was going back to  
11      say, "Well, here she is, she's out of Afghanistan."  
12      Something along those lines.

13          Q       Fair to say you don't know exactly why your  
14      brother and sister-in-law took Baby Doe to see  
15      Senator Cruz, right?

16          A       Yeah.

17          Q       If I want to know that I should ask them,  
18      right?

19          A       Probably.

20          Q       Or Senator Cruz?

21          A       That's fine too.

22          Q       Staying on that same page, you go down --  
23      there's a second email that you sent to Dena that  
24      same day and you said, "Here is part two of the  
25      photos," right?

1           A       Yep.

2           Q       And so those were additional photos that  
3       you selected from the Google photo album to send to  
4       Dena?

5           A       That's right.

6           Q       For her consideration and use with the Pipe  
7       Hitler Foundation website posting?

8           A       Yes, sir.

9           Q       So you understood that she was going to use  
10      those in support of the fundraising campaign?

11          A       Yes, sir.

12                   MR. POWELL: 12, please.

13                   (Mast Deposition Exhibit No. 12 was marked  
14                   for identification and attached to the  
15                   transcript.)

16      BY MR. POWELL:

17          Q       Mr. Mast, you have been handed Deposition  
18      Exhibit 12 which is a series of emails between you  
19      and Dena starting on the morning of Wednesday, May  
20      the 10th and running to Thursday, May the 11th. Do  
21      you see that?

22          A       Yes, sir.

23          Q       And there in the middle of the first page,  
24      there's an email, I don't see your name on it but  
25      it's to Dena from someone named Benjamin Nichols and

1 he says to her, "Hi Dena. Attached is the HTML for  
2 our new grantee announcement. Please let me know if  
3 you have any edits to this of the landing page." Do  
4 you see that?

5 A Yes, sir.

6 Q And that's an email that Dena forwarded to  
7 you that same date, right?

8 A Yes.

9 Q So when she forwarded Mr. Nichols' email to  
10 you, you knew what was going to be posted on the Pipe  
11 Hitter Foundation, right?

12 A Yes.

13 Q Have a look at the third page of Exhibit  
14 12. There is a photograph embedded there on the page  
15 of your brother Joshua, Stephanie and Baby Doe. Do  
16 you see that?

17 A I do.

18 Q Did you send that photo to the Pipe Hitter  
19 Foundation? The reason I ask is I didn't see it  
20 among the photos that were attached to the emails  
21 that you sent previously.

22 A I don't recall. There is like 20-some  
23 photos in here. I don't see it attached in here  
24 either, but there is also -- what are these?

25 Q That's a fair question.

1           A       So I think I did but it looks like when it  
2       was printed it didn't download the images.

3           Q       That's a very fair comment. I wondered  
4       that myself. So what you're saying I think is in the  
5       previous emails when you were sending photographs to  
6       Dena there are references to photos that just don't  
7       show up in the emails, right?

8           A       I think that's right and that's where I  
9       think this came from.

10          Q       So go back to the photo album, the whole  
11       thing. You're getting there. There you go. If you  
12       turn to page ten of Exhibit 8, top line.

13          A       Yeah.

14          Q       That's the photo that's embedded in the  
15       newsletter that Dena forwarded to you the morning of  
16       May the 10th, right?

17          A       Yes, sir. I think it's safe to say that I  
18       copied that and sent that in.

19          Q       Turn to the -- I'm back to Exhibit 12.  
20       Same one. You've got it. So flip the page to the  
21       next page in Exhibit 12, the one after the  
22       photograph. Are you there?

23          A       Yes, sir.

24          Q       Down below the middle of the page is an  
25       email from you same day, May the 10th, you say that

1 the photos look great. And then you go on to say in  
2 the fourth paragraph from the top, it says -- and I'm  
3 reading from the email, "In a helicopter raid behind  
4 Taliban lines." That's in quotes. And then you say,  
5 "It wasn't a raid but a volunteer-based targeted  
6 rescue/evacuation of Joshua's interpreter's three  
7 siblings, Lily's caretakers and Lily herself." Do  
8 you see that?

9 A Yes.

10 Q So am I understanding your email to  
11 Ms. Cruden that morning to be saying you wanted to  
12 amend the newsletter that was going to be posted on  
13 her website to change the language as you suggested?

14 A Yes, sir. If you want additional context,  
15 this is referring specifically to when the  
16 translator's three siblings, John, Jane Doe and Baby  
17 Doe were all in Kabul, I think, and I just didn't  
18 want somebody to think that -- raid seemed to  
19 indicate that they were going out and raiding. This  
20 was, like I said, just trying to get her over the  
21 rush at the Kabul airport into the airport itself.

22 Q Before you sent that email to Dena making  
23 that editorial suggestion, had you forwarded her  
24 email to Joshua so that he would get a chance to see  
25 what the Pipe Hitter Foundation was going to post?

1 A I do not recall that.

2 Q Did you read it to him?

3 A I don't think so.

4 Q Isn't it true, Mr. Mast, that the language  
5 that you proposed that be substituted into the  
6 newsletter came from Joshua not from you?

7 A No, not at all -- well, as far as how do I  
8 know about the story or this verbiage?

9 Q Both.

10 A How I knew about the story came from Joshua  
11 because I was involved with that at the time. I  
12 remember being up late at night knowing that they  
13 were going to go out and try to acquire her and  
14 couldn't sleep thinking about it. But as far as the  
15 terminology, that absolutely came from me.

16 Q And so just for the time context here, this  
17 would have been in August of '21 when the country was  
18 falling to Taliban?

19 A Yeah.

20 Q And a lot of people were getting evacuated,  
21 U.S. personnel, Afghan personnel, et cetera, et  
22 cetera?

23 A Uh-huh.

24 Q Tell me what was going on with you and  
25 Joshua at that time.

1           A       Well, the whole family was up late at  
2       night, like I knew that he was working around the  
3       clock to try to get not only them but multiple people  
4       out. There's -- don't ask me for an exact number but  
5       it was over a dozen, maybe as many as 30 people that  
6       he assisted in getting into contact with or helping  
7       them get out of the country, people that were -- so  
8       anyway, I was familiar with all of that.

9           And as far as relates to this, though, what  
10      was going on specifically was -- well, not really  
11      anything going on, I was just receiving updates, as  
12      were most of us, from him about what was the latest.

13          Q       At the top of your answer you referred to  
14      "them". That would be John Doe and Jane Doe and Baby  
15      Doe, right?

16          A       Just now?

17          Q       Let me ask it a different way so you don't  
18      have to remember exactly what you said in response to  
19      my last question.

20                 Am I understanding you to say that at the  
21      time when things were going badly in Afghanistan,  
22      your brother was trying to facilitate the evacuation  
23      of John Doe, Jane Doe and Baby Doe to the United  
24      States?

25          A       Yes, along with many other people.

1           Q       That's where I'm going. There were  
2 additional people that, to your recollection, your  
3 brother was trying to assist in getting out of the  
4 country?

5           A       Correct.

6           Q       And there is a reference in the proposed  
7 substitute language there to Joshua's interpreter's  
8 three siblings?

9           A       Yes. The interpreter is referring to the  
10 fellow that was helping him translate to John and  
11 Jane Doe all this time.

12          Q       That would be Mr. Osmani?

13          A       Ahmad Osmani.

14          Q       Ahmad Osmani. So the reference to Joshua's  
15 interpreter's three siblings would be Mr. Osmani's  
16 three siblings to your understanding?

17          A       Yes, that is correct.

18          Q       Who else in your family was participating  
19 in Joshua's efforts to monitor what was going on in  
20 Afghanistan at this time?

21          A       Was informed of? Nobody was really  
22 participating. He's the only one that was really  
23 handling that. But as far as who was informed of it,  
24 our whole family was, extended family too, in-laws,  
25 et cetera.

1 Q Where were you physically at the time?

2 A Rustburg, Virginia.

3 Q Where was Joshua?

4 A He was -- he's stationed in MARSOC in North  
5 Carolina, so he was -- I think he was down there.  
6 No, he might have been in Charlottesville at the time  
7 because he moved from Charlottesville down to MARSOC  
8 in Wilmington, North Carolina, so he might have been  
9 in Charlottesville at the time. Yeah, that sounds  
10 correct. I think Charlottesville.

11 Q And then he and Stephanie moved to North  
12 Carolina?

13 A Yes. He got stationed down there.

14 Q So Dena -- going back to that page we were  
15 just looking at, down at the bottom of the page, she  
16 responds to your request, "Will do."

17 A Yes, sir.

18 Q Turn to the next page, please.

19 A Okay.

20 Q And then you will see that apparently she  
21 forwarded your requested change to Ben Nichols there  
22 at the top of the page?

23 A Yes.

24 Q And then later that same morning you sent  
25 to her some additional photographs, right?

1           A       Are these additional or just -- I think  
2       they are, yes.

3           Q       So you say in your email at 11:51 a.m. on  
4       the morning of May 11, you said to Dena, "Here are  
5       the photos that I was able to locate that were used  
6       in the CBS news story." Do you see that?

7           A       Yes.

8           Q       And so did you pull those photos off of the  
9       Google photo album?

10          A       I think I did. Yes, I think I did.

11          Q       But you knew because you had seen the CBS  
12       Morning News story that those photos had been used by  
13       CBS?

14          A       Correct.

15          Q       And so in your text to Dena you say that  
16       they, quote, "They are, quote, fine to share since  
17       they are already public," close quote. Do you see  
18       that?

19          A       I do.

20          Q       What was your basis for saying that in your  
21       email to Dena?

22          A       I started thinking about it after I had  
23       sent all those photos over to her and they have a lot  
24       of -- my first instinct was just like these would be  
25       good for fundraising because it shows his family and

1 all that stuff, but I started thinking about it more  
2 and I was like, well, it's already got -- basically I  
3 had a second thought where I had seen a lot of photos  
4 of my family get shown in news articles that were,  
5 shall we say, not friendly towards the story of --  
6 and my brother, and I was like, well, some of those  
7 are already circulating anyway, why don't I not share  
8 anything that has my other nephews, as little as my  
9 family as possible except for Joshua and Steph and I  
10 will try to stick with ones that are already in what  
11 I consider to be public domain because presumably  
12 hundreds of thousands of people had already seen  
13 these CBS interviews, I don't know what the extent  
14 is, so I was like, well, they should be fine because  
15 these are already public.

16 Q Did you get any advice from anyone on your  
17 opinion that because they had already been aired on  
18 CBS they were fine to share?

19 A My wife.

20 Q Did you confer with any lawyer on that  
21 question?

22 A No.

23 Q You didn't confer with Joshua about it?

24 A No.

25 Q Or Richard?

1 A Huh-uh.

2 Q Or any of Joshua's lawyers?

3 A No.

4 Q Or Richard's lawyer?

5 A No. Again, never spoken to Richard or  
6 Josh's lawyers.

7 Q The next sentence you say -- and this is in  
8 your email to Dena on May 11, same exhibit we have  
9 been looking at, you say, quote, "Anything else, just  
10 please blur out for now as discussed," close quote.  
11 Do you see that?

12 A I remember saying that. Yeah, I see it.

13 Q What did you mean by that?

14 A Just like if she was older, like anything  
15 that wasn't on the CBS interview, maybe blur out her  
16 face just so it would be -- so that photos that  
17 weren't already in public domain wouldn't be  
18 broadcasted.

19 Q And the last clause of that sentence says  
20 "as discussed." So had you had a conversation with  
21 Dena about how to handle these photos?

22 A Yeah. I remember wrestling with the  
23 concept of it and like whether I should basically  
24 change my mind after I had already sent her all the  
25 photos and I decided I did. I asked her if I could

1 call her and I just called. I don't think there's  
2 actually a written record of it.

3 Q Do you remember how she reacted to your  
4 request to blur out photos that were not used by CBS?

5 A Generally. She was -- I remember she was  
6 very receptive to it. She didn't mind. But I don't  
7 have any like specifics. She said, "Sure. That's no  
8 problem. If you think that's best, we will do that."  
9 Something along those lines.

10 Q Do you recall when you first spoke with  
11 Dena either on the phone or by text or by email about  
12 the CBS News story that was aired in January?

13 A It would have been this conversation here,  
14 so between May 10th and 11th, I guess. I think  
15 that's when I referenced it.

16 Q Do you recall knowing when you spoke of  
17 this with Dena that she was already aware of the CBS  
18 interview or were you the one who told her about it?

19 A I think I was the one that told her about  
20 it. Yeah, I think that's right.

21 Q Do you remember telling her that after CBS  
22 ran that story that we had filed a motion with the  
23 court to have your brother and sister-in-law held in  
24 contempt because of the photos that showed up on CBS?

25 A I'm positive I didn't because I didn't find

1 out about the contempt for the CBS interview until I  
2 got the subpoena.

3 Q And the cease and desist letter?

4 A Yes. Yes.

5 MR. POWELL: We've been going about an  
6 hour. Let's take a break.

7 THE WITNESS: All right.

8 THE VIDEOGRAPHER: Please stand by. We are  
9 now off the record. The time is 12:04 p.m.

10 (Recess, 12:04 p.m. - 12:19 p.m.)

11 THE VIDEOGRAPHER: We are now on the  
12 record. The time is 12:19 p.m.

13 BY MR. POWELL:

14 Q Mr. Mast, I want to go back briefly to your  
15 creation of your samewisegamgeel2@proton.me email  
16 address.

17 A Yes, sir.

18 Q You testified about that earlier and when  
19 you set it up. Remind me why you chose to do that.

20 A Sure. As I said earlier, I try to keep my  
21 emails -- I'm not a neat freak or anything but I like  
22 things organized, so I figured since this was  
23 probably going to be an endeavor where I was  
24 receiving presumably a few communications, it would  
25 be easier to keep it organized that way. I get quite

1 a few emails for work and I didn't want to use that  
2 one.

3 Q Why did you choose proton.me?

4 A It's just a different email address than I  
5 had. I couldn't create another school one and I  
6 didn't want to create a gmail one.

7 Q What is your familiarity with the way that  
8 email works?

9 A With proton?

10 Q Yes.

11 A I was just told it was a secure server.

12 Q Who told you that?

13 A Nobody. It's like --

14 Q Was it Richard? He uses it too, doesn't  
15 he?

16 A I've never sent an email to him with a  
17 proton email address so I don't know.

18 Q Have you ever received an email from  
19 Richard from proton?

20 A From proton? I don't think so. No.

21 Q When you say it uses a secure server what  
22 do you mean?

23 A Well, secure server. I was just told that  
24 it's -- like gmail is -- people have said that it's  
25 less secure as far as information can be leaked. And

1 my Liberty email address was one for my employer, and  
2 so I was just told the proton -- I discovered, not  
3 necessarily told, that proton was a more secure email  
4 chain, like stuff wouldn't be leaked or as easily  
5 hacked or things like that.

6 Q Did you do any independent research to  
7 confirm what you had been told about the security of  
8 proton.me?

9 A Just asked around.

10 Q Did you ask any members of your family  
11 about it?

12 A No, just other friends and stuff.

13 Q Did you ask any lawyers about it?

14 A No.

15 Q So we were talking, Mr. Mast, before the  
16 break about your back and forth with Dena sending her  
17 photographs for use on the Pipe Hitter Foundation  
18 website and we talked about that and we talked about  
19 some editorial comments you made about suggestions  
20 you made about the content of the newsletter they  
21 were going to put up, right?

22 A Yes.

23 Q Did you come to learn that soon after that  
24 the Pipe Hitter Foundation put information about your  
25 brother and sister-in-law's case and Baby Doe up on

1       its website?

2           A       Yes.

3           Q       Have you seen all of the things that the  
4       Pipe Hitter Foundation posted?

5           A       As far as I know, yeah.

6           Q       And you have seen the website postings?

7           A       Yes.

8           Q       And the Instagram postings?

9           A       I don't have Instagram, didn't see anything  
10       that they posted there, and I don't think I checked  
11       their Facebook page either. I just saw the website  
12       and was told that they were going to put it on their  
13       social media platforms but it would mirror everything  
14       that was on the website.

15          Q       Did you look anywhere other than the Pipe  
16       Hitter Foundation's website for what it had posted  
17       regarding these matters?

18          A       Not until I got the cease and desist  
19       letter.

20          Q       And then what did you do?

21          A       I went to Facebook -- no, I called my  
22       brother Jacob and asked him -- because he has  
23       Instagram. I think he might be the only one in the  
24       family that uses it. I'm not sure. Anyway, we're  
25       not a social media family really.

1 But I called my brother Jacob and asked him  
2 to go to Pipe Hitter Foundation Instagram handle, I  
3 think is the right term, and asked him to verify what  
4 the cease and desist letter was saying that there  
5 were certain photos of Baby Doe that weren't blurred  
6 and that's how I found that out.

7 MR. POWELL: Let's mark this as 13, please.

8 (Mast Deposition Exhibit No. 13 was marked  
9 for identification and attached to the  
10 transcript.)

11 BY MR. POWELL:

12 Q Mr. Mast, you have been handed Deposition  
13 Exhibit 13 and I will represent to you that this is a  
14 compendium of information that we found available  
15 online. You see the date at the header, "Visited  
16 June the 11th, 2023."

17 Let's just scroll through the pages here  
18 and let me know which of these you recognize.

19 A Okay. Do you want me to state which ones I  
20 recognize?

21 Q Yes, please.

22 A Okay. So page one, everything on there I  
23 recognize. Page two, I recognize everything on  
24 there. Page three, I recognize that. Page four I  
25 had not seen until after I got the cease and desist

1 letter but I have a Facebook account so I went and  
2 looked that up afterwards. And then page five, that  
3 is Instagram, same thing as what I said earlier about  
4 my brother Jacob and using him as a resource to look  
5 at that. And same thing for page six. Same thing  
6 for page seven. And same thing for page eight.

7 Q So page seven and eight are Facebook and  
8 Instagram posts by Eddie Gallagher and his wife  
9 Andrea, right?

10 A That's correct.

11 Q Have you had any contact with either of  
12 them?

13 A No.

14 Q Do you know who they are?

15 A I know they are the ones who the Pipe  
16 Hitter Foundation was kind of formed I think by Eddie  
17 Gallagher's brother for his legal defense, raising  
18 funds specifically.

19 Q Do you know whether the Pipe Hitter  
20 Foundation has a Listserv?

21 A A list?

22 Q Listserv. An email list.

23 A Like an email publication that they send  
24 out?

25 Q Yes.

1           A       Yeah, I was aware of that.

2           Q       So do you know that the Pipe Hitter  
3       Foundation not only posted what we see here in  
4       Exhibit 13 to its web page but also pushed out an  
5       email to its members?

6           A       That was initially discussed as a  
7       possibility but it never -- it was not discussed  
8       afterwards, but I assume that was probably the case,  
9       yes.

10          Q       So you don't know one way or the other what  
11       else the Pipe Hitter Foundation did with this  
12       information other than what we see in Exhibit 13?

13          A       Correct. I never received the email  
14       publication, I don't think.

15          Q       Do you recall, Mr. Mast, sending an email  
16       to Dena Cruden on May the 17th asking if Joshua could  
17       use Pipe Hitter Foundation grant money for basic  
18       living necessities?

19          A       I think I did. I don't know about the date  
20       but I remember having a conversation with her at some  
21       point along those lines.

22                   MR. POWELL: Let's mark this 14, please.

23                   (Mast Deposition Exhibit No. 14 was marked  
24                   for identification and attached to the  
25                   transcript.)

1 BY MR. POWELL:

2 Q Mr. Mast, you have in front of you  
3 Deposition Exhibit 14 which you will see is an  
4 exchange of text messages between you and Ms. Cruden  
5 starting with your initiating text there at the top  
6 of the first page, Wednesday, May 17, where you text  
7 her, quote, "Would you have time to talk for a few  
8 moments regarding funds raised being distributed to  
9 my brother," close quote. Do you see that?

10 A I do.

11 Q And then you go on in the next paragraph to  
12 say that he had -- he Joshua had confided in you that  
13 he was out of money and was praying for a miracle,  
14 and you were wondering if some of the Pipe Hitter  
15 funds could be used -- you will see there in the  
16 third-to-the-last line -- quote, for basic living  
17 necessities. Do you see that?

18 A I do.

19 Q Tell me what you remember about your  
20 conversation with Dena about this subject.

21 A I remember talking to her that I was -- I  
22 had at some point talked to my brother, I don't  
23 remember when, but he had said that things were  
24 pretty tight financially and told me a little bit  
25 about that and that was the end of the conversation.

1                   And, anyway, so I was like, well, let me  
2                   see -- I thought to myself maybe I would be able to  
3                   use the funds because Dena and I hadn't spoken  
4                   extensively about like do we wait until we get the  
5                   goal of 100,000 before we distribute it or can we do  
6                   it piecemeal, so I called about to ask about that.

7                   Q       Well, you already begun a piecemeal  
8                   distribution, right, because you had already received  
9                   \$5,000.

10                  A       Oh. Was this after that?

11                  Q       Yes.

12                  A       Then yes.

13                  Q       Okay. So did you have just that one  
14                  conversation with Joshua when he asked the question?

15                  A       About this?

16                  Q       Yes.

17                  A       Yes.

18                         MR. FRANCISCO: Objection. States facts  
19                   not in evidence.

20                  BY MR. POWELL:

21                  Q       And then you sent the text message to Dena  
22                  asking for a phone call, right?

23                  A       Yes.

24                  Q       So did you speak with Dena about that?

25                  A       Let me make sure I'm following right. Did

1 I speak with Dena about talking with my brother about  
2 him needing funds?

3 Q No, different question. We have  
4 established that your brother asked you to ask  
5 whether the funds could be used for basic living  
6 necessities and you then texted --

7 A No, my brother didn't ask me that.

8 Q He said he was short of funds.

9 A He said he was short of funds. He never  
10 asked me for anything. So I went to Dena to ask  
11 after I heard the information. He didn't ask me for  
12 anything.

13 Q So that was entirely of your initiative to  
14 reach out to Dena?

15 A That is correct.

16 Q And that's what's reflected on the first  
17 page of this text. And then you had a phone call  
18 with her, correct?

19 A Yes.

20 Q Tell me about that phone call.

21 A With Dena?

22 Q Yes.

23 A I called her and asked if we could talk and  
24 she said sure and eventually we talked and I just  
25 said that -- I asked for an update on if there were

1 funds available, like had any more come in since the  
2 last distribution, I think, and just that my brother  
3 was tight on funds just because of the whole legal  
4 deal and asked if it could be used not strictly for  
5 legal finances but also basic living necessities.

6 Q What did she say?

7 A She said yes.

8 Q That you could --

9 A Use them for both.

10 Q That you could dispense funds to Joshua who  
11 could then use them not only for legal defense but  
12 also for basic living necessities?

13 A Yes, essentially.

14 Q Did you get that from her in writing?

15 A Isn't that on the actual agreement where it  
16 says on the first page?

17 Q Other than that did you get any  
18 confirmation from her after this phone call that you  
19 could do that?

20 A I don't think I got anything in writing.

21 Q Did you communicate to Joshua that it was  
22 going to be possible for him to use Pipe Hitter  
23 Foundation funds for basic living necessities?

24 A I don't remember because we haven't sent  
25 any other funds after that -- if this happened after,

1       which I think did, the 17th, so this happened after  
2       the first initial funds were distributed to me --

3               MR. FRANCISCO: I just want to state for  
4       the record the email --

5               MR. POWELL: I got it.

6       BY MR. POWELL:

7               Q       I think where Mr. Francisco is going with  
8       this is I may have misled you to think that the money  
9       -- the first \$5,000 had already been received in your  
10      account before this exchange of text messages, but if  
11      you look at the bottom of the second page of the text  
12      string you will see -- this is her to you -- "You  
13      should see it in your account by Monday."

14              A       Great. Okay.

15              Q       That would be the \$5,000 he is talking  
16      about, right?

17              A       Yeah. So this message was prior to me  
18      receiving the first five grand.

19              Q       After you had signed the contract but  
20      before the first installment arrived?

21              A       Yes.

22              Q       And so far as you've said the only  
23      installment, correct?

24              A       Yes.

25              Q       Up at the top of the second page, Mr. Mast,

1       you say to Dena, "Hi Dena. After speaking with my  
2       wife and my brother, I think it best to send the  
3       funds to me and I will distribute it to him for the  
4       reasons we discussed last call." So why did you  
5       speak to your wife about this?

6           A       Well, because we handle all of our finances  
7       together.

8           Q       And did you say earlier that that account  
9       is in both of your names?

10          A       Uh-huh.

11          Q       Yes?

12          A       Yes, sir. Sorry.

13          Q       That's all right. And you said, "after  
14       speaking with my wife and brother." So am I  
15       understanding this correctly that this would be the  
16       second conversation with your brother about this  
17       distribution of how he could use the money?

18          A       Yeah. What I think -- I must have called  
19       Joshua afterwards and told him that I would be  
20       sending funds to him and asked for him the best way  
21       to get them to him, if he wanted a check or transfer  
22       or whatever.

23          Q       And so in that same sentence you say, "I  
24       think it best to send the funds to me and I will  
25       distribute to him for the reasons we discussed last

1 call." The "we" you're referring to is you and Dena?

2 A Dena.

3 Q We talked a little bit earlier, Mr. Mast,  
4 about the One America News interview.

5 A Yes, sir.

6 Q It's correct that you gave an interview to  
7 One America News on June 11th?

8 A Yes, I think that was the date.

9 Q Who arranged that? Sorry. Did counsel on  
10 the phone -- I don't want to interrupt an objection.  
11 Who arranged the interview with One America  
12 News?

13 A That would be what I refer to as the media  
14 team for Pipe Hitter Foundation but it would be Mary  
15 Vought.

16 Q Vought, V-o-u-g-h-t.

17 A So Mary and she has a couple of other team  
18 members that I am in communication with and I don't  
19 know which one specifically had reached out to OANN  
20 but it was them.

21 Q And it's true, isn't it, that several  
22 images of Baby Doe are displayed during your  
23 interview, correct?

24 A That is correct.

25 Q How did the One America News outfit get

1       those photos?

2           A       I think that I sent them to the fellow who  
3       did the interview on One America News Network.

4           Q       When you did that did you provide to One  
5       America News a copy of the protective order or were  
6       you then still not aware of the protective order?

7           A       I did not provide one and I was not aware  
8       yet.

9           Q       So just to be clear, I think I have this in  
10      the chronology of your testimony. You said that you  
11      didn't become aware of the protective order until you  
12      got it from Mr. Elliker and the cease and desist  
13      letter?

14          A       No. I knew that one existed but I didn't  
15      have a physical copy of one until then. I don't  
16      think I read the actual protective order.

17          Q       Until you received it from Mr. Elliker in  
18      the cease and desist letter?

19          A       Correct.

20          Q       So the photos that showed up in the  
21      interview that you gave, they originate in the Google  
22      photo album, correct?

23          A       That's right.

24          Q       Whether they came from you or from Mary  
25      Vought, that's where they started and someone

1 provided them to the One America News Network?

2 A Yes.

3 Q At the end of the interview, I've watched  
4 it many times, I don't want to mischaracterize your  
5 testimony, you directed viewers to the Pipe Hitter  
6 Foundation website if they wanted to donate and help  
7 in the legal battle, correct?

8 A I did.

9 Q Who asked you to do that?

10 A Nobody. I mean, myself, Dena and Mary  
11 talked. The conversation was an instruction of like,  
12 "How do I do this?" And they're like, "Just direct  
13 them back to the website and we will have everything  
14 there."

15 Q Your interview is still available on the  
16 One America News website, isn't it?

17 A I haven't checked but I presume so.

18 Q You've never asked them to take it down,  
19 have you?

20 A No.

21 Q I saw it yesterday so it was up at least as  
22 late as yesterday but you haven't looked at it  
23 recently?

24 A Not in at least two weeks.

25 Q Did you have a copy of the questions you

1           were asked before the interview took place?

2           A           No, not a copy. I did speak with the  
3           gentleman who gave the interview and just to make  
4           sure to introduce myself, to meet him and just ask  
5           what the nature of the interview was going to be  
6           like; was it going to be long, short, things like  
7           that.

8           Q           Was it just you and him in that  
9           conversation?

10          A           It was.

11          Q           Who arranged the conversation?

12          A           Mary.

13          Q           And what did he tell you about where he had  
14          planned to go during the interview?

15          A           He just said that it was going to be a  
16          little bit of discovery. It was actually a pretty  
17          short call. Probably five minutes. And let's see.  
18          He said it was going to be a shorter interview. He  
19          was going to ask me to tell how -- like Baby Doe's  
20          origins and -- I can't recall a whole lot of other  
21          detail but he did say it was going to be fairly short  
22          and just a few questions.

23          Q           Did One America News publish the entire  
24          interview?

25          A           No.

1 Q How long did the interview last?

2 A I would guess ten to 15 minutes.

3 Q I don't have in my head how long -- what  
4 they ran with --

5 A Five minutes.

6 Q I was thinking it was around five.

7 A Yeah.

8 Q So who decided what to run and what not to  
9 run?

10 A They did.

11 Q Did you have any input in that?

12 A No.

13 Q Did Mary?

14 A I don't know.

15 Q Did anybody from the Pipe Hitter Foundation  
16 have any input in the decision making at One America  
17 News regarding what to run from your interview?

18 A I don't know. That would be news to me if  
19 that was the case.

20 Q Was there anything in the interview that  
21 they did not run that you thought was important?

22 A They didn't -- they edited a portion that  
23 was -- sorry, I didn't pause. But they edited a  
24 portion that I wished to have clarified better and I  
25 realized that that might be taken poorly when I got

1 the cease and desist letter. The cease and desist  
2 letter concluded that I was calling John and Jane Doe  
3 Taliban and that's not what I was trying to say. I  
4 was referring to -- I don't know -- at some point in  
5 the interview I was referring to basically trying to  
6 summarize the political goings-on and negotiations  
7 between the U.S. and the Taliban and I wasn't trying  
8 to say that John and Jane Doe were Taliban. I was  
9 trying to describe that negotiation process for the  
10 withdraw.

11 Q So the short answer to my question is there  
12 were portions of your interview that they didn't run  
13 that you wish they had?

14 A Yes.

15 Q So all of the information that you shared  
16 in the interview, none of that was from your own  
17 personal firsthand knowledge, was it?

18 A Like being there?

19 Q Yes.

20 A No. It was firsthand knowledge in terms of  
21 I spoke about it with my brothers at the time that it  
22 occurred but I wasn't there in person.

23 Q But the story that you relayed during the  
24 interview with One America News was your brother  
25 Joshua's story, correct?

1           A       Yes. Most of the information came from him  
2       at the time that it occurred, correct.

3           Q       So during this time frame, April and May of  
4       2023, Joshua knew you were in touch with the Pipe  
5       Hitter Foundation, correct?

6           A       Yeah, I had told him that I had decided to  
7       touch base with them and partner with them.

8           Q       Did he know in advance that you were going  
9       to be interviewed by One America News?

10          A       No, he did not.

11          Q       Why didn't you tell him?

12          A       I purposely didn't tell anyone in my family  
13       because there has been a lot of, oh, politely put,  
14       negative media coverage of my family and I didn't  
15       want any repercussions to go to anybody else but me.

16          Q       Were you aware on June 28th Joshua and  
17       Stephanie's lawyers filed in the federal court case  
18       something called a memorandum in opposition to  
19       Plaintiffs' motion to show cause?

20          A       Yes, I think so. Is that where the cease  
21       and desist letter gets filed with the complaint, my  
22       brother's attorney filed their response to that?

23          Q       Let's back up a little bit. This is not a  
24       memory quiz for you and I'm not asking you to  
25       recreate what's in the court file.

1           You became aware, I'm sure, that after the  
2           One America News story ran that on behalf of the  
3           Plaintiffs we filed a second motion with the court  
4           trying to have your brother and sister-in-law held in  
5           contempt for violation of the protective order.

6           A       Yes, I am aware of that.

7           Q       And in support of that motion we filed a  
8           memorandum in support of the motion and then your --  
9           the lawyers representing your brother and  
10          sister-in-law did what good lawyers do, they filed a  
11          memorandum in opposition to what we had said.

12          A       Yes. I found that out because I received a  
13          second letter from y'all, Hunton Andrews Kurth. So I  
14          got a second letter from that and that basically  
15          didn't make sense to me because at the time I didn't  
16          know my brother had sent something, and so I went and  
17          looked it up on CourtListener and found both.

18          Q       Did you read the memorandum in opposition  
19          that was filed by your brother's lawyers?

20          A       Yes.

21          Q       I'm going to hand you a copy because I want  
22          to show one sentence to you.

23                   For the benefit of the people on the phone,  
24                   I'm not marking this as an exhibit but this is the --  
25                   so for the benefit of the lawyers on the phone, this

1 is document number 239. It's the memorandum in  
2 opposition that McGuire Woods filed on behalf of  
3 Joshua and Stephanie on June the 28th.

4 So turn to the third page, please, Mr.  
5 Mast. Looking down to the last sentence of the long  
6 paragraph that begins above the middle of the page.  
7 Are you with me?

8 A I am.

9 Q The sentence reads, "Joshua and Stephanie  
10 Mast had no knowledge that Jonathan Mast was speaking  
11 with the Pipe Hitter Foundation." Do you see that?

12 A I do.

13 Q That's not true, is it?

14 A I believe speaking is referencing the stuff  
15 published on social media, the website, et cetera.  
16 So they didn't know that, what I had said, et cetera,  
17 et cetera. They knew that I made contact with Pipe  
18 Hitter Foundation -- at least I think they did.

19 Q Well, you testified just a few minutes ago  
20 that you were -- that Joshua was aware in April and  
21 May that you were in contact with the Pipe Hitter  
22 Foundation, right?

23 A I did say that, yes.

24 Q So this language from this memorandum in  
25 support that I just read to you is not true, is it?

1           A       I would say it needs to be clarified.

2           Q       Who is going to clarify it? This is  
3 something filed with the court.

4           A       That's not for me to know. Well, it also  
5 goes on to say "until he had already done so," and  
6 that is correct.

7           Q       Well, that's with reference to the One  
8 America News interview which you just said he didn't  
9 know about that until after the fact.

10           MR. FRANCISCO: Objection. Argumentative.

11           THE WITNESS: Well, to clarify, just to be  
12 as clear as I can, the sentence itself, if you take  
13 the whole thing in context, Joshua and Stephanie Mast  
14 had no knowledge that Jonathan Mast was speaking with  
15 the Pipe Hitter Foundation or that he would speak  
16 with One America News Network until after Jonathan  
17 had already done so, and that is correct.

18           MR. HARDING: He testified to that.

19           THE WITNESS: I talked with them first and  
20 then informed Joshua of that.

21           BY MR. POWELL:

22           Q       So let's parse that sentence which is what  
23 I think you've just undertaken to do. Do you  
24 interpret the phrase at the end "until after Jonathan  
25 had already done so" to refer to the whole sentence?

1 MR. FRANCISCO: Objection. This document  
2 speaks for itself. It's a legal pleading not by  
3 Jonathan.

4 BY MR. POWELL:

5 Q Let me ask it another way. You testified  
6 just a few minutes ago that Joshua knew you were in  
7 touch with the Pipe Hitter Foundation in April and  
8 May of this year, correct?

9 A Well, yeah, because he had to know how I  
10 was sending him \$5,000 or \$4,000.

11 Q And you knew that he was in touch with the  
12 Pipe Hitter Foundation because he told you that  
13 someone from the Pipe Hitter Foundation was going to  
14 reach out to you. That's the text message that you  
15 had the initial contact with Dena on April the 9th.

16 A Sure. And I believe somewhere in this  
17 document says he had been put in touch with the Pipe  
18 Hitter and told them he couldn't work with them and  
19 that's why he directed them to another member of the  
20 family.

21 Q Right. So you were then in contact  
22 intermittently in April and May with the Pipe Hitter  
23 Foundation and Jonathan (sic) knew about that, didn't  
24 he?

25 A Joshua. Yes.

1 Q I'm sorry.

2 A That's okay.

3 Q Joshua knew about that, right?

4 A Yes, I think so. Well, after I made  
5 contact with them, correct, yes.

6 Q Thank you. That's all I have on that one.  
7 So we talked a little bit earlier about your AP  
8 interview. Let's dig into that a little bit, please.

9 A Okay.

10 (Mast Deposition Exhibit No. 15 was marked  
11 for identification and attached to the  
12 transcript.)

13 BY MR. POWELL:

14 Q So I think you have already testified, Mr.  
15 Mast, that you have been interviewed by the  
16 Associated Press, correct?

17 A I did a phone interview with them, correct.

18 Q You jumped ahead in my outline. So it was  
19 by phone?

20 A Yes, sir.

21 Q Do you remember approximately when it was?

22 A After the OANN interview but that's -- I  
23 don't remember the date.

24 Q Let's see if we can put some date concept  
25 to my questions. You have Exhibit 15 in front of you

1       which says at the top of the page, "Documentation  
2       Part One."

3           A       Yep.

4           Q       And this is an email from you using your  
5       proton.me account to several people whose last name  
6       is Vought and then also including Dena Cruden and Joe  
7       Koss, right?

8           A       Yes, sir.

9           Q       And in the first paragraph of your email  
10      you reference the upcoming interview. That would be  
11      the upcoming interview with the Associated Press,  
12      right?

13          A       Yes, sir.

14          Q       So am I understanding this email to be  
15      you're sending documents to the Associated Press that  
16      you thought might be of assistance to the AP in  
17      preparing to interview you?

18          A       No. I think that I sent -- this was what I  
19      sent over to Pipe Hitter Foundation so they could be  
20      a little more familiar with what I was going to be  
21      talking about.

22          Q       Did you expect the people who received your  
23      email there at the top of the first page to forward  
24      the documents that you had sent by email to the  
25      Associated Press?

1           A       No, not at the time, no. I did that later.

2           Q       You sent documents to the AP after the  
3 interview?

4           A       Yes.

5           Q       We will come to that in a minute. So  
6 whether Dena Cruden or the people at Vought sent to  
7 the AP before your interview the documents that you  
8 had sent, you don't know one way or the other, do  
9 you?

10          A       I do not.

11                   (Mast Deposition Exhibit No. 16 was marked  
12 for identification and attached to the  
13 transcript.)

14 BY MR. POWELL:

15          Q       You've been handed Exhibit 16, right?

16          A       Yes, sir.

17          Q       One pager. It is titled at the top  
18 "Documentation part two." And this is an email that  
19 you sent also on June the 10th to the people -- same  
20 people you sent the previous email to, right?

21          A       Uh-huh. Yes, sir.

22          Q       You sent this just a few minutes later?

23          A       Yes, sir. That's right.

24          Q       So you're sending to the recipients  
25 additional documents that you thought might be of

1 interest to the AP in preparation for your interview,  
2 right?

3 A More or less, yes.

4 Q And do you know one way or the other  
5 whether those four documents that you sent with what  
6 has been marked as Exhibit 16, whether they were ever  
7 transmitted to the Associated Press?

8 A Not from this email but I do know -- well,  
9 I was told that we would send over a lot of this  
10 information to the AP eventually. I sent a second  
11 email after this. This was in preparation for the  
12 interview. So post-interview I reorganized a lot of  
13 these into a more structured format and then resent  
14 it.

15 Q We're going to come to that in a minute.  
16 So looking at Exhibit 16, there are four documents  
17 that you sent, right?

18 A Yes, sir.

19 Q And the second document listed as among the  
20 attachments something that shows up on the exhibit as  
21 the Rhonda Slusher statement. Do you see that?

22 A I do.

23 (Mast Deposition Exhibit No. 17 was marked  
24 for identification and attached to the  
25 transcript.)

1 BY MR. POWELL:

2 Q Mr. Mast, the court reporter has just  
3 handed you Exhibit 17. Can you confirm for me that  
4 this is the Rhonda Slusher statement that you sent  
5 around to the recipients of your email on May the  
6 10th which is Exhibit 16?

7 A Yes, sir, it is.

8 Q How did you come into possession of the  
9 Slusher Declaration?

10 A This one I'm not sure. Almost  
11 everything -- I think everything that I acquired I  
12 got off of CourtListener.com.

13 Q I can assure you that this document is not  
14 on CourtListener.com and the reason -- look at the  
15 first page. Virginia, In The Circuit Court of  
16 Fluvanna County. Do you see that?

17 A I do.

18 Q Will you accept my representation that this  
19 is from the circuit court file?

20 A This is state court and that's the federal  
21 court -- the rest of the federal court?

22 Q The Slusher Declaration was in the state  
23 court case.

24 A Okay.

25 Q The reason I'm curious as to how it came

1       into your possession is, as we've discussed earlier,  
2       all those files are under seal. How did you get this  
3       document? Your brother sent it to you, right?  
4       Joshua sent it to you --

5           A       That's possible.

6           Q       Or Stephanie or even Richard, right?

7           A       It's possible. I'm not sure I recall this  
8       one.

9           Q       Well, you recalled it well enough to send  
10       it to the AP just a month -- just five weeks ago.

11                   MR. HARDING: Objection. Argumentative.

12                   THE WITNESS: I meant recalling where I got  
13       it.

14       BY MR. POWELL:

15           Q       Well, you clearly had it, right, because  
16       you sent it to the AP.

17           A       Oh, yeah, I definitely had it.

18           Q       You just don't recall where you got it?

19           A       Right. I looked through hundreds of pages  
20       of documents on the internet trying to pull  
21       everything I could.

22           Q       You told me earlier that so far as you  
23       know, you were not in the possession of any other of  
24       the documents from the sealed state court records,  
25       correct?

1           A       Correct. I did say that.

2           Q       When you saw the declaration of Rhonda  
3       Slusher were you not concerned that this is a  
4       document that you should never have had?

5           A       No, sir, I didn't. To be honest with you,  
6       I didn't even realize when I first got subpoenaed  
7       that it was for the federal court because I thought  
8       District Court of Charlottesville was the state  
9       court.

10          Q       That's not my question. My question is  
11       were you concerned when you saw the Rhonda Slusher  
12       Declaration that you shouldn't have had it at all?

13          A       Right. I'm trying to answer my motivation  
14       as to why I wasn't concerned because I didn't even  
15       know the difference between the district court -- I  
16       didn't know that these were federal documents, I just  
17       knew they were in the public domain on  
18       CourtListener.com, and so I didn't look at the title  
19       of the documents, I just looked at the content of it.

20          Q       So is your testimony, just to be clear,  
21       that you have no idea today how you came into  
22       possession of the Slusher Declaration?

23          A       No. My testimony today is that I'm not  
24       sure that if I got this off CourtListener.com. I may  
25       have received it from one of my brothers, I do not

1 remember.

2 Q When I first asked you this question you  
3 said you got it from Joshua, right?

4 A I did not say that.

5 MR. HARDING: Objection. That is not what  
6 he testified to.

7 BY MR. POWELL:

8 Q I will let the record reflect what you said  
9 in response to my first question. That's where you  
10 got it, isn't it? You got it from your brother  
11 Joshua?

12 A I don't believe I did.

13 Q Or from your brother Richard?

14 A Again, it's possible that I got that from  
15 there. I don't remember because, again, I didn't  
16 even differentiate the Fluvanna County Court ones  
17 from the Western District Court ones when I was  
18 acquiring everything.

19 Q Do you recall if you got the Slusher  
20 Declaration from any of the lawyers representing your  
21 family in the state court case?

22 A No. Again, like I said a couple times, I  
23 have never contacted any of the lawyers from any of  
24 my brothers.

25 Q Who interviewed you from the AP?

1           A       I think there were three people. Martha  
2           Mendoza. Forgive me if I don't remember the other  
3           two. I think it was a Jessica and I don't remember  
4           the third.

5           Q       And did you tell me earlier it was a phone  
6           call?

7           A       It was.

8           Q       Not Zoom?

9           A       No.

10          Q       How long did it last?

11          A       Well, it was Zoom but it was no camera. I  
12          think it was Zoom but it was a phone call.

13          Q       So the cameras were not activated?

14          A       Correct.

15          Q       How long approximately was it?

16          A       An hour and ten minutes maybe.

17          Q       And do you remember how soon after June the  
18          10th it was? A day or two later?

19          A       I think so, yeah.

20          Q       The reason I say that, I'm about to show  
21          you your follow-up emails which are dated June the  
22          13th.

23          A       I think I sent the documentation emails the  
24          night before, so yes.

25          Q       Did you share any of Baby Doe's photos with

1 the AP?

2 A I did not.

3 Q Do you know whether anyone else did?

4 A I don't know.

5 Q For example, did photos of Baby Doe come up  
6 during the interview?

7 A No. They were just interested in the  
8 story.

9 Q So far as you're aware, Mr. Mast, is this  
10 Slusher Declaration the only document from the state  
11 court file that has come into your possession?

12 A As far as I know. All the rest I think are  
13 from the federal.

14 Q You're referring to the exhibits. That's  
15 not my question. My question is do you have in your  
16 possession beyond the Slusher Declaration that you  
17 sent to the AP any other documents that, to your  
18 knowledge, are from the state court file?

19 A No, sir, I do not.

20 Q Do you have any expectation that the AP may  
21 do a follow-up interview?

22 A No, not an expectation.

23 Q Do you know what they are going to do with  
24 the interview that you gave?

25 A I don't. I was a little surprised that

1       they had sat on it for so long.

2           Q       Well, you say "so long". It's been early  
3       June you say?

4           A       Uh-huh.

5           Q       So we previewed this a little bit. Let's  
6       see if we can get through these before lunch. You  
7       sent some materials to the AP after your interview,  
8       right?

9           A       Yes, sir.

10           MR. POWELL: Let's mark these 18 and 19.

11           (Mast Deposition Exhibit No. 18 was marked  
12       for identification and attached to the  
13       transcript.)

14           (Mast Deposition Exhibit No. 19 was marked  
15       for identification and attached to the  
16       transcript.)

17       BY MR. POWELL:

18           Q       Mr. Mast, you've been handed two exhibits,  
19       18 and 19. The earlier one, 18, is entitled "AP News  
20       Email." The second one is entitled "AP News Email  
21       Part Two." Do you see those documents?

22           A       I do.

23           Q       And these are in line with your testimony  
24       earlier that after the interview with the AP you  
25       followed up and sent some additional materials?

1           A       Yes, sir. That's right.

2           Q       And that's in these two emails, Exhibits 18  
3       and 19 are your transmittal documents not directly to  
4       the AP but to Dena and the people at Vought?

5           A       Yes, sir, that's right. Specifically Mary.  
6       Oh, Dena is on this. Okay. Her too.

7           Q       What was your purpose in sending these  
8       additional documents to the recipients of these two  
9       emails, Exhibits 18 and 19?

10          A       So AP News had -- well, the nature of the  
11       conversation was I countered a lot of points or  
12       provided alternate perspective and/or straight-up  
13       contradicted what they were saying from information  
14       that I was aware of based upon my history with  
15       everything and they asked for any information that I  
16       could provide to substantiate what I was saying and  
17       so this is what I came up with.

18          Q       So they asked you for substantiation of  
19       your interview -- what you said in the interview?

20          A       AP News did, yes.

21          Q       And then you, in response to that, gathered  
22       the documents that you sent with the transmittal  
23       emails that are Exhibits 18 and 19?

24          A       Correct.

25          Q       Do you know whether any of those were

1 delivered to the AP?

2 A I presumed they were.

3 Q That's not what I asked you. Do you know  
4 if any of them were?

5 A I do not.

6 Q So did you follow up with Dena or any of  
7 the Voughts to see what happened to these materials I  
8 sent, did you send them to the AP?

9 A Yes, I did do that. I didn't -- no, as in  
10 like I didn't send them personally. So I think that  
11 they were because I asked.

12 Q Your recollection is that after you  
13 transmitted the documents that you sent attached to  
14 Exhibits 18 and 19 that those documents made their  
15 way to the AP?

16 A Yes.

17 Q All of them?

18 A I believe so.

19 Q Since you sent these two emails, Exhibit 18  
20 and 19, have you had any other communication with the  
21 Pipe Hitter Foundation or Vought about further  
22 contact or interviews with the AP?

23 A A little bit. We talked about trying to  
24 come up with that list of names we talked about  
25 earlier and that was about it.

1           Q       That's when Ms. Motley's name came up,  
2       right?

3           A       Yes, sir.

4           Q       Anything else that you can recall sort of  
5       in the realm of follow-up with the AP beyond what  
6       you've testified to?

7           A       No. Mary said that she would handle  
8       contacting them -- no, that's not right. I contacted  
9       Kimberly Motley or tried to.

10          Q       Tried to.

11          A       Yes, sir. No.

12          Q       So that was it for the AP?

13          A       Yes.

14          Q       At least up until today?

15          A       Correct.

16          Q       I may have asked you this, Mr. Mast, and if  
17       I did I apologize. Why did you call Ms. Motley?

18          A       Oh. So when -- I knew Kimberly Motley's  
19       familiarity with everything because I remember her  
20       from when in 2019/2020 when she was assisting my  
21       brother Joshua with the whole process and when I was  
22       talking with AP, I don't know -- I don't remember the  
23       exact conversation of why it came up, but like I  
24       said, they were looking for additional sources to  
25       substantiate and I asked who that could be and they

1       said anybody that was there at the time who could  
2       verify to this. So I was like, well, she was  
3       somebody that was there, so that's why I contacted  
4       her to see if she would be willing to make a  
5       statement for AP.

6           Q       But as I think you said you did not have  
7       any -- you never actually spoke with Ms. Motley?

8           A       Correct.

9           Q       Nor communicated with her in any other way?

10          A       Correct.

11          Q       Ever?

12          A       No, sir.

13          Q       So never ever?

14          A       I have never ever spoken to her.

15               MR. POWELL: Is this a good time for a  
16       lunch break?

17               MR. HARDING: Yes.

18               THE VIDEOGRAPHER: Please stand by. We are  
19       now off the record. The time is 1:02 p.m.

20               (Recess, 1:02 p.m. - 1:46 p.m.)

21               THE VIDEOGRAPHER: We are now on the  
22       record. The time is 1:46 p.m.

23       BY MR. POWELL:

24           Q       Mr. Mast, do you recall sending a text to  
25       Dena Cruden on June the 14th that begins with these

1 words, "Hi Dena, got a rather sensitive issue to  
2 discuss as soon as you get a brief moment." Do you  
3 remember that?

4 A Yes, I think so.

5 (Mast Deposition Exhibit No. 20 was marked  
6 for identification and attached to the  
7 transcript.)

8 BY MR. POWELL:

9 Q Mr. Mast, you've just been handed  
10 Deposition Exhibit 20 by the court reporter. It's a  
11 multi-page text exchange between you and Dena Cruden  
12 starting on June the 14th and running until June the  
13 15th. Do you have that in front of you?

14 A I do.

15 Q So there at the top, the first thing you  
16 say is, "Hi, hi Dena, got a rather sensitive issue to  
17 discuss as soon as you get a brief moment." And then  
18 it refers something on Instagram that he says Eddie  
19 may have shared. That would be Eddie Gallagher, you  
20 believe?

21 A Yes, sir.

22 Q Without reference to the text message, do  
23 you remember what it was that caused you to initiate  
24 this text conversation with Dena on June the 14th?

25 A The initial cease and desist letter I

1 received.

2 Q The one from Mr. Elliker that we marked as  
3 an exhibit early on in the deposition?

4 A That's correct.

5 Q And what was it about Mr. Elliker's letter  
6 that made you want to reach out to Dena Cruden?

7 A As previously stated, I don't have a lot of  
8 social media platforms and so when I received the  
9 letter, it included a lot of exhibits which was --  
10 Instagram was one of them, and so on the Instagram  
11 handle, I read -- I think that's where I saw that it  
12 was Eddie's Instagram handle and so that's where I  
13 presume that was. Hence, the text came from that.

14 Q And you reference the cease and desist  
15 letter there on the first page, right?

16 A Yeah.

17 Q And then skipping down in the text, you say  
18 quote, "Seeing as how that photo came from me and  
19 wasn't one of the ones that aired on CBS, thus  
20 already in the public domain, I think it would  
21 behoove us to take precaution to blur it out like the  
22 one on the Pipe Hitter's Instagram account." Do you  
23 see that?

24 A Yes.

25 Q So was it your intention in this text

1 message then to share your concern with Ms. Cruden  
2 and to have her take steps to blur out what you had  
3 seen on Mr. Gallagher's Instagram?

4 A Correct.

5 Q And that was one of the photos that you  
6 provided?

7 A Yes.

8 Q Did she do what you asked her to do?

9 A I think she went a step beyond and just had  
10 them remove the post altogether.

11 Q So if you turn to the next page of the  
12 exhibit, you will see it looks like you and she spoke  
13 that day, right?

14 A Yes.

15 Q And you've got embedded in the second page  
16 of the exhibit, are those the photos that caused your  
17 concern?

18 A No, not these ones. These were the ones  
19 that were on CBS, to the best of my recollection. It  
20 was one where she was standing on a box that is in a  
21 different message maybe.

22 Q So it wasn't one of these three on the  
23 second page, it was another one?

24 A Yeah. My thought process was any of the  
25 ones where she was younger in Afghanistan and

1       whatnot, those were fine, and anything that aired on  
2       CBS was fine, but the ones that I provided from my  
3       family access album we should probably have blurred  
4       out if we could do that.

5           Q       And consistent with your testimony down at  
6       the bottom of the second page of this exhibit, she  
7       says, "FYI, we deleted it just to be safe," right?

8           A       Right.

9           Q       And you said "thank you."

10          A       Uh-huh.

11          Q       And then continuing on, continuing the text  
12       conversation with Dena about checking every photo,  
13       right?

14          A       Yes.

15          Q       And then down at the bottom of the third  
16       page you say, "Dena, I have one more photo edit  
17       request to make, I'm sorry." Do you see that?

18          A       Yes.

19          Q       And you go on to say, "I basically decided  
20       that I probably shouldn't have used any recent photos  
21       of Starfish for two reasons," right?

22          A       Uh-huh.

23          Q       And the first one you say is retaliation  
24       and then the second one, which goes over onto the  
25       next page is, "to not give the opposition a reason to

1       screech that I'm breaking the protective order." Do  
2       you see that?

3           A       Yes.

4           Q       And you go on in that sentence to say,  
5       "even though I don't believe I am because I don't  
6       believe it applies to me." Do you see that?

7           A       I do.

8           Q       And so did she follow your request?

9           A       To blur out the photos?

10          Q       Yes.

11          A       Again, she -- I think she did with  
12       everything. At some point they removed the whole  
13       page from their website, Instagram, et cetera, just  
14       as a safety precaution.

15          Q       Where you say on the fourth page of Exhibit  
16       20, there in the middle of the page where you refer  
17       to the protective order and you say, quote, "even  
18       though I don't believe I am," and by that meant you  
19       didn't believe you were subject to the protective  
20       order?

21          A       Correct.

22          Q       What's the basis for you're having said  
23       that to Dena?

24          A       Well, I wasn't an expert on the protective  
25       order, I just read it from when it was sent to me,

1 but my thought process was I didn't believe that I  
2 had been authorized to act on anybody's behalf and  
3 that my name wasn't listed in the protective order  
4 and that I knew about this information previously and  
5 that this was already in the public domain, anybody  
6 could have gone and gotten these photos from CBS  
7 because those are still up, as far as I know. They  
8 were up when I sent these. That's how I reference  
9 which photos to send over. So that's why I thought I  
10 was at least following the spirit of the law and I  
11 thought the letter as well.

12 Q You said in your answer just now that you,  
13 quote, "were not authorized to act on anyone's  
14 behalf." Did I hear your testimony correctly?

15 A Yeah.

16 Q Is it your testimony that you were not  
17 authorized by Joshua to act on his behalf?

18 A That is correct.

19 Q Is it your testimony that you were acting  
20 entirely on your own in sharing photos with the Pipe  
21 Hitter Foundation and sharing photos with anyone  
22 else, that this was just you, Jonathan Mast, acting  
23 on your own?

24 A Yes, that is correct.

25 Q And that you were not acting on behalf of

1 your brother Joshua?

2 A As a formal or authorized representative or  
3 agent, yes, that is correct.

4 Q Even as informal. Didn't Joshua know what  
5 you were doing?

6 A He knew that I was raising funds and that's  
7 about it.

8 Q Didn't he know that you were sharing  
9 photographs?

10 A He did not.

11 Q Did you ever seek any legal advice  
12 regarding whether the protective order applied to  
13 you?

14 A No. Just my wife and I discussed it at  
15 length.

16 Q So you didn't ask your brother Joshua who  
17 is a lawyer, you didn't ask him whether the  
18 protective order applied to you?

19 A No.

20 Q And you didn't ask your brother Richard who  
21 is a lawyer whether the protective order applied to  
22 you?

23 A No.

24 Q So the next-to-the-last page of this  
25 exhibit, Mr. Mast, you've got some other pictures

1 embedded in that page, right?

2 A Yes.

3 Q And then down at the bottom you say, "So  
4 whenever you have the chance to either remove or edit  
5 that top photo, I'd appreciate it. Thanks."

6 A Yes.

7 Q And the top photo is the one that I think  
8 you've already testified is of Stephanie and Baby Doe  
9 on her way from Afghanistan to the U.S.?

10 A Correct.

11 Q And that is one that was in the album?

12 A Yes.

13 Q Let's look at the last page of this  
14 exhibit. So help me understand what's going on here  
15 on the last page, Mr. Mast. Is this all your  
16 communication to Dena?

17 A Yes, sir, this is what I communicated to  
18 Dena.

19 Q You're sending her the link to the CBS news  
20 story?

21 A Yes, sir.

22 Q And you're asking her in the text at the  
23 bottom as you preface by saying, "Just thinking out  
24 loud." Then you go on to say, "But do you think  
25 there is any possibility of using the CBS interview

1       that was done prior to the gag order coming into  
2       place as a means of spreading the story and linking  
3       it to PHF somehow." Do you see that?

4           A       Yes, sir.

5           Q       What became of that suggestion?

6           A       Well, again, I'm trying to remember if we  
7       spoke on the phone after that or what, but nothing  
8       really happened with it at the moment because, as I  
9       stated previously, the Pipe Hitter Foundation kind of  
10      put a pause on our communications and fundraising  
11      efforts and just kind of held off for the time being.

12          Q       When you refer in the fourth line of the  
13      paragraph we were just looking at to the gag order,  
14      what were you -- what did you mean by that?

15          A       The protective order. I sometimes use  
16      those terms interchangeably. I know the legal term  
17      is protective order but gag order is shorter to say.

18          Q       So what you were referring to was the  
19      protective order that Mr. Elliker sent to you and the  
20      cease and desist letter?

21          A       Yes.

22          Q       Which we marked as a separate exhibit  
23      today, right?

24          A       Yes.

25          Q       It was not the gag order that Judge Worrell

1 entered in the state court case, was it?

2 A I'm not sure. I'm actually not aware if  
3 there is -- I know he had asked them not to speak to  
4 the media in the court -- in the state court case, so  
5 is that a gag order?

6 Q That's a question not for you or me to  
7 resolve today, but I take it in your mind, and this  
8 is consistent with your testimony today I think, that  
9 you have sometimes used the phrase protective order  
10 and gag order interchangeably?

11 A Yes, sir.

12 Q But here in this text message with Dena in  
13 the last page of this exhibit, when you wrote gag  
14 order, you were referring to the protective order  
15 with a capital P and a capital O in this case, right?  
16 The one that you got from Mr. Elliker.

17 A Yes, sir. To my knowledge, that was the  
18 only protective order that existed. I didn't know if  
19 that applied to both courts, I'm not an attorney, I  
20 didn't ask anybody, so I didn't know if that  
21 protective order applied to both courts or where it  
22 originated from, so I'm just referring to the overall  
23 protective order.

24 Q Just referring to?

25 A Well, I'm just trying to say I'm not sure

1 on the time frame of this like when I reference like  
2 that it was a couple days prior to the gag order  
3 coming into place, I don't know if that was in  
4 federal court or in state court, so in my mind, I  
5 kind of like linked the two together as far as the  
6 protective order going back and forth. But to answer  
7 your question as close as I can, yeah, the protective  
8 order that Mr. Elliker sent to me.

9 Q So what you're referring to as sort of the  
10 timing here, you're thinking about the timing of the  
11 CBS interview and when the gag order was entered?

12 A Yes.

13 Q But you're aware now, are you not, that the  
14 protective order that Judge Moon signed that is an  
15 exhibit in your deposition which Mr. Elliker sent to  
16 you that he entered that last September? Do you  
17 understand that to be the case now?

18 A Yes, I do understand that now.

19 Q And my understanding from your testimony so  
20 far that you're not aware that the Pipe Hitter  
21 Foundation posted to its website the CBS interview,  
22 are you?

23 A I do not believe they did. I didn't ask  
24 them to anyway.

25 Q But I take it from your testimony that you

1 got the impression from Dena that they were pausing  
2 and they weren't going to do anything else on this?

3 A Correct, for the time being.

4 Q Do you remember an interview you did on  
5 June 13th with someone named Steve Abramowicz?

6 A Yeah.

7 (Mast Deposition Exhibit No. 21 was marked  
8 for identification and attached to the  
9 transcript.)

10 BY MR. POWELL:

11 Q Mr. Mast, you have been handed Deposition  
12 Exhibit 21 which is mostly just on the first -- a  
13 one-page document, but it's your email of June 15th  
14 of this year to Steve Abramowicz with copies to  
15 people at Vought and also Dena Cruden, right?

16 A Yes, sir.

17 Q And this is June the 15th at 5:57 in the  
18 morning, right?

19 A That's right.

20 Q And you start off -- Steve Abramowicz was  
21 the person from Mill Creek podcast who interviewed  
22 you, right?

23 A That's right.

24 Q And that interview took place on June the  
25 13th, according to my notes, two days before you sent

1 the email which is Exhibit 21.

2 A That sounds correct.

3 Q So what was the purpose of your sending  
4 this email to Abramowicz after your interview with  
5 him?

6 A So the Mill Creek View podcast posted a  
7 description of the video and when I read it, I felt  
8 like it was inaccurate and I was -- my whole purpose  
9 in doing all of this was to try to be as truthful as  
10 I can, and so I was just emailing him to try to ask  
11 if they would be willing to edit to my suggestions to  
12 be a little more accurate.

13 Q Did they do that?

14 A They did.

15 Q Who arranged for you to interview with  
16 Mr. Abramowicz?

17 A Mary Vought or Joe Koss, one of the Pipe  
18 Hitter Foundation media folks.

19 Q Do you know if Dena Cruden herself was  
20 involved in arranging --

21 A I don't think so but I don't know.

22 Q Why did you include her among the CC  
23 recipients of this email?

24 A Out of habit. I typically sent anything I  
25 sent to the media team also to Dena. I didn't know

1        what she needed to be informed of and what not, so it  
2        was shorter than catching her up later.

3            Q        And the interview was over Zoom, right?

4            A        Yeah, I think so.

5            Q        And is the -- that interview is available  
6        on their website, right?

7            A        Yes.

8            Q        So I could go look at it today if I wanted  
9        to?

10          A        I believe so.

11          Q        And it was pretty long, right? It was like  
12       45 minutes plus?

13          A        It was pretty long. That is pretty close  
14       to accurate, yeah. Well, the episode is an hour long  
15       but my interview was like 30 minutes.

16          Q        Yours is the first part of it?

17          A        I think so.

18          Q        So how would you describe your purpose --  
19       what was your objective in speaking to  
20       Mr. Abramowicz?

21          A        Well, I stated in the interview at some  
22       point where I said I had two or three different  
23       objectives. One was to address a lot of the negative  
24       press that my whole family had received, though at  
25       the end of the day, I felt like it was a secondary

1 reason. Really that's not -- people can say mean  
2 things. The primary objective was to try to raise as  
3 much financial support as I could for my brother and  
4 his legal fees, and then the secondary objective was  
5 my family, and the third objective, obviously I  
6 thought I was doing a good thing for my niece or --

7 Q Baby Doe.

8 A Baby Doe, because -- well, I think that  
9 speaks for itself.

10 Q Did you provide any photographs of Baby Doe  
11 to Abramowicz?

12 A I don't believe I did.

13 Q Do you recall if any were actually used  
14 during the interview?

15 A No, none were. Not by me at least.

16 Q Well, if I were to go look at the video --

17 A Oh, that's what you mean. No.

18 Q So they are not visible on his podcast?

19 A That is correct.

20 Q Since the time you sent your email to  
21 Mr. Abramowicz on June the 15th have you had any  
22 further contact with him?

23 A I think I sent him one other -- wait.  
24 Nope. I think that's it. He sent me an email back  
25 but I have not responded to anything else, I don't

1 think.

2 Q What did he say in his email back to you?

3 A That they were -- I asked to come back on  
4 the show later in this email on Exhibit 21 at the  
5 bottom of the page, and he said that they were full  
6 until August but maybe.

7 Q Who is James Laporta?

8 A James Laporta is a journalist who -- I  
9 forget the name of his company he works for now but  
10 he's a journalist.

11 (Mast Deposition Exhibit No. 22 was marked  
12 for identification and attached to the  
13 transcript.)

14 BY MR. POWELL:

15 Q Mr. Mast, you have been handed Exhibit 22  
16 which looks to be a couple of emails with -- between  
17 you and Mr. Laporta.

18 And at the top of the first page of Exhibit  
19 22, I will just note for the record this is among the  
20 documents you forwarded to Mr. Harding for  
21 consideration to produce, right?

22 A Yes, sir.

23 Q I am not asking you and I don't want you to  
24 communicate in this deposition any of the content of  
25 your conversation with Mr. Harding, that's covered by

1 the attorney/client privilege, so let's stay away  
2 from that.

3 A Thank you.

4 Q But the fact that you forwarded this to him  
5 and he then produced it to my team is not  
6 controversial and I think that is reflected by the  
7 record here.

8 So how did you first come into contact with  
9 Laporta? How did you know to reach out to him?

10 A I had heard that he had -- he was a former  
11 AP News reporter and at some point, I don't know  
12 when, he had talked to my brother Joshua and my  
13 sister-in-law Stephanie and that he had probably  
14 recorded the conversation.

15 He at least had some kind of off-the-record  
16 interview and he was let go by AP News and I don't  
17 know the chronological order of when all those events  
18 happened but I thought to myself, well, maybe if he  
19 has any other information about it he might be  
20 willing to do an interview with me or publish it or  
21 something like that, and so I reached out to him via  
22 Facebook to see if I could have a call with him.

23 Q So you learned of him from your brother  
24 Joshua?

25 A Yes, I believe so.

1 Q And you learned in that context that Joshua  
2 and maybe Stephanie too had had some contact with  
3 Mr. Laporta?

4 A Yeah.

5 Q About these matters?

6 A Yeah.

7 Q Was that while he was still with AP or  
8 after?

9 A Was the conversation I had with Joshua  
10 while he was still at AP?

11 Q I'm trying to get the timing of when Joshua  
12 and Stephanie had contact with Mr. Laporta. Was he  
13 still employed with AP News or what it after that?

14 A I honestly don't know.

15 Q He was fired by -- I'm sorry, did I say ABC  
16 News?

17 A I don't think so.

18 Q He was fired by the Associated Press,  
19 right?

20 A He was.

21 Q Do you know why?

22 A He told me that he had -- I'll try to be as  
23 quick as I can. He told me that he had posted a  
24 tip -- an unverified tip regarding the Russia/Ukraine  
25 war and that there were two civilians in Poland that

1        were killed and the tip was that it might have been a  
2        Russian missile and so he posted this, and I don't  
3        know the -- what site this is or whatever but he said  
4        there's basically a site that reporters worldwide can  
5        post things in and that that tip got published with  
6        his name attached to it when it was unverified and  
7        was said so by him, and then AP News dismissed him  
8        before digging into it more. And then later another  
9        reporting company who he described as reports on the  
10       media verified that that wasn't his fault and he  
11       didn't say that this actually happened, it was an  
12       unverified tip for somebody else to follow up on and  
13       that they let him go as a result.

14       Q        Did the AP retract what it had said about  
15       him as justification for firing him?

16       A        No idea.

17       Q        Why would you want to go talk with someone  
18       who had been fired by the Associated Press?

19       A        I didn't care, I just knew that he was  
20       somebody who had already talked to my brother and  
21       Stephanie and that he might be willing to write on  
22       that.

23       Q        Did he ask you to send materials to him  
24       that you sent?

25       A        I think I volunteered it.

1 Q And you sent him three emails, right?

2 A Yes, that sounds right. Pretty much

3 everything I sent to AP I sent to him.

4 MR. POWELL: Let's mark this next.

5 (Mast Deposition Exhibit No. 23 was marked

6 for identification and attached to the

7 transcript.)

8 MR. POWELL: Let's make this 24.

9 (Mast Deposition Exhibit No. 24 was marked

10 for identification and attached to the

11 transcript.)

12 BY MR. POWELL:

13 Q So Mr. Mast, just trying to be efficient

14 here. You've already got Exhibit 22 which is the

15 first of three emails you sent to Laporta, correct?

16 A That's right.

17 Q And then 23 and 24 are the second and third

18 emails that you sent to him, right?

19 A Yes.

20 Q Was your brother Joshua aware that you were

21 in contact with Laporta?

22 A No, he had no idea.

23 Q Did you tell him that after you had been in

24 contact with Laporta?

25 A I don't recall if I did or not.

1           Q       In other words, so far as you recall, you  
2       didn't communicate to Joshua your intention to reach  
3       out to Laporta before you did so?

4           A       Definitely not, no.

5           Q       In the first of the emails, Exhibit 22,  
6       this is just your transmittal email to your lawyer,  
7       you said, "I hoped he might be willing to do a story  
8       on it since he was already familiar to an extent."  
9       And when you said that that was because you knew that  
10      Joshua had spoken to him, right?

11          A       Yes, sir.

12          Q       So you reached out to him, as you say in  
13      the email to your lawyer, to tell him about your AP  
14      interview, right?

15          A       Yes. I had done the AP interview the day  
16      before or maybe a couple days before and -- anyway,  
17      yes, short answer to your question.

18          Q       So I think you've already testified once  
19      you established contact with him you decided to send  
20      to him everything that you had already sent to the  
21      AP?

22          A       Yes.

23          Q       And that's what you did in these three  
24      emails together, Exhibits 22, 23 and 24?

25          A       Yes, sir, that is correct.

1 Q Are those the only emails that you have  
2 sent to him that transmitted documents to him?

3 A I believe so, yes, sir.

4 Q The last paragraph of your email says, "I  
5 presume you won't mind but I'm going to CC members of  
6 my media advisory team." Do you see that?

7 A Yes, sir.

8 Q And then you've got Pipe Hitter Foundation  
9 in parens, right?

10 A Yes, sir.

11 Q Who did you mean to be referring to as your  
12 quote/unquote media advisory team?

13 A Three people specifically, Mary Vought, Joe  
14 Koss and Rachel -- I can't remember her last name.

15 Q It may be Rachel Semmel. I'm looking at  
16 the CC. S-e-m-m-e-l.

17 A Yes. That's right.

18 Q Also with Vought, right?

19 A Yes, sir.

20 Q Let's look at No. 24, please. This is the  
21 third of the three emails you sent to Laporta. Down  
22 right below the middle of the page you say, "Hi  
23 James, here is the documentation I got from the law  
24 firm and the corresponding documentation." Do you  
25 see that?

1 A Yes, sir.

2 Q What law firm are you referring to there?

3 A Oh. In the bottom link, the third link,  
4 it's referencing the -- no, that's not right. I  
5 think I'm referring to ACLJ but I don't see that I  
6 sent him the link to that so I might have made a  
7 mistake there.

8 Q It could be my law firm, right? It could  
9 be Mr. Elliker?

10 A Well, no, I would have had no need for  
11 that. I think I was sending him the summary of what  
12 was on ACLJ's website summarizing the case and I must  
13 have forgotten to include the link.

14 Q Okay. So your memory looking at Exhibit 24  
15 is that when you say the documentation you got from  
16 the law firm, you're talking about Mr. Yerushalmi's  
17 firm, the American --

18 A American -- what is it called again?  
19 American Freedom Law Center.

20 Q Yes.

21 A I probably said it wrong.

22 Q No, you got it just right.

23 A Yes, I think that's correct.

24 Q Did Mr. Laporta ask for that or is this a  
25 part of your voluntary effort?

1           A       I might have sent him the cease and desist  
2       letter. Maybe that's what it's referring to.

3           Q       Look up at the top of the first page of  
4       Exhibit 24. That's the way I interpret it because in  
5       your email to Mr. Harding transmitting to him your  
6       correspondence with -- yeah --

7           A       That's what it is. Apologies.

8           Q       No, no, that's totally fine. There's a lot  
9       of stuff here. So I was correct then that when you  
10      say the documentation you got from the law firm  
11      you're referring to what my colleague Mr. Elliker  
12      sent to you?

13          A       Yes, sir.

14          Q       All right. And explain to me why you  
15      thought it was important to send all of that to  
16      Mr. Laporta.

17          A       Well, I had -- I was sending him everything  
18      I had about the case and this was additional news in  
19      the case and I thought that might be relevant to  
20      updates regarding the case.

21          Q       So in the package that you sent to him,  
22      whether it's the first or the second or the third,  
23      did you include the protective order that Judge Moon  
24      had entered in this case?

25          A       I don't think so unless it was included in

1 the cease and desist letter.

2 Q But your intention was to forward to him  
3 what you had received from my law firm?

4 A Yes, sir.

5 Q Did you send a copy of the subpoena that we  
6 had served on you?

7 A What date is this?

8 Q We're now in July.

9 A This is the 16th that I sent this? I  
10 actually remember this because the email that I got  
11 was the 16th and -- but the hard copy I got was on  
12 the 17th, so I didn't actually see the subpoena. So  
13 email with the cease and desist I got on the 16th and  
14 the hard copy that I got was on my front door on the  
15 17th.

16 Q I misspoke a little while ago. I was  
17 looking at the date on the top of the page. So your  
18 correspondence with Mr. Laporta was on or about June  
19 the 16th as reflected on these three exhibits?

20 A Yes, sir, that's right. So to answer your  
21 question, I don't think that I sent him the subpoena  
22 because I don't think I had gotten it until the  
23 following day. I could be off on that.

24 Q Well, why would you not have sent the  
25 subpoena once you got it? If your intention was to

1 get into Mr. Laporta's hands all the documentation  
2 that you had, why would you not have sent the  
3 subpoena to him?

4 A I didn't have a very good reason as to why  
5 or why not, I just did not. Partially because the  
6 one that I got was a hard copy, if I'm not mistaken.  
7 I have it over there in my briefcase and it wasn't  
8 already digital.

9 Q Since these emails, Exhibits 22, 23 and 24,  
10 have you had any additional communication with  
11 Laporta?

12 A I don't believe so. No, sir.

13 Q Do you have any idea whether he is  
14 intending to do a story on these matters?

15 A He hasn't contacted me to say he has. He  
16 said he would write a memo and discuss it.

17 Q So insofar as you know today, you don't  
18 know one way or the other, do you, whether he is  
19 planning to do anything?

20 A No, sir, I don't.

21 Q Who is Sarah Carter?

22 A Oh, I think that is a staff member for  
23 Former Vice President Pence's office.

24 (Mast Deposition Exhibit No. 25 was marked  
25 for identification and attached to the

1 transcript.)

2 BY MR. POWELL:

3 Q The court reporter has just given you  
4 Exhibit 25. You will see why I asked you who --

5 A Oh, I said wrong. I'm sorry.

6 Q That's all right. Let me identify this for  
7 the record and then we will back up.

8 A Apologies.

9 Q That's quite all right. So Exhibit 25 is  
10 an email regarding a potential I guess something on  
11 Sarah Carter's podcast?

12 A Yes.

13 Q And the email at the top of the first page  
14 of Exhibit 25 is your transmittal email to your  
15 lawyer, Mr. Harding, where you're forwarding to him  
16 an email exchange with Rachel Vought down further on  
17 the page, correct?

18 A That is correct.

19 Q And the subject of your email with Rachel  
20 Vought with CCs to others was "Invitation, JM hold,  
21 Sarah Carter's podcast." Do you see that?

22 A I do.

23 Q So let's go back to who is Sarah Carter.

24 A Sorry. So I was confusing her with  
25 somebody else.

1 Q That's all right.

2 A Sarah Carter is a journalist who spent a  
3 lot of time in Afghanistan. She has a podcast. She  
4 talks on, well, most recently anyway, the war in  
5 Afghanistan, the withdrawal and things like that.

6 Q Is she affiliated with any network?

7 A I don't know for sure. I presume she is.  
8 I was told she was a pretty well-known journalist.

9 Q Who told you that?

10 A Somebody on Pipe Hitter.

11 Q Was it Dena Cruden or was it someone with  
12 --

13 A It had to be Mary or Joe or Rachel.

14 Q One of the Vought people?

15 A Yeah.

16 Q Were they trying to set up an interview for  
17 you with Sarah Carter?

18 A Yes.

19 Q Did that happen?

20 A No, it did not. She was out of the  
21 country.

22 Q Is she still out of the country?

23 A No, I don't think so. I wasn't told when  
24 she would be back, but somewhere between that time  
25 frame after she went out of the country I got the

1 subpoena and as I mentioned earlier things kind of  
2 paused.

3 Q So your email with people from Vought that  
4 covers most of the first page of Exhibit 25 that was  
5 with reference to a potential podcast with Sarah  
6 Carter but that podcast never happened, right?

7 A Correct. Yes, sir.

8 Q Do you have any reason to believe that  
9 you're going to have further communication with Sarah  
10 Carter about a possible interview?

11 A Well, I haven't been promised anything so I  
12 don't know for sure.

13 Q Did you have any direct communication with  
14 her?

15 A No. Unfortunately, no.

16 Q So the communications with her on your  
17 behalf were by Vought?

18 A Correct.

19 Q So far as you can recall, did Vought reach  
20 out to any other journalists or media organizations  
21 trying to set up an interview with you other than  
22 what we've talked about today?

23 A I'm sure they did. They told me that they  
24 had reached out to quite a few but I never got a list  
25 or anything like that, I just went with their

1 recommendations.

2 Q So other than the outfits we've spoken  
3 about today, including individuals, can you identify  
4 any of the other either journalists or reporters or  
5 media outlets that you know Vought reached out to on  
6 your behalf?

7 A Just one. No, maybe two. I know that I  
8 got an invite to go on the Stew Peters Show which I  
9 declined and another radio show here in  
10 Charlottesville, Joe Thomas I think, and I did an  
11 interview there.

12 Q Let's go one at a time. What was the first  
13 one?

14 A Stew Peters.

15 Q Stew Peters. You had an invitation to  
16 interview with him?

17 A Yes, sir.

18 Q But you declined?

19 A I did.

20 Q Who is he?

21 A He appears to be -- well, he's a radio show  
22 host. I did a little digging on him and I didn't  
23 particularly like his -- I didn't want to be  
24 affiliated with him so I didn't like some of the  
25 messages and verbiage he uses and political views he

1       took.

2           Q       Did you have any direct contact with him?

3           A       No, sir, never did.

4           Q       So this is someone that so far as you  
5 recall Vought contacted in order to possibly set up  
6 an interview for you?

7           A       Correct.

8           Q       And then you did some independent research  
9 on him and decided you didn't want to go forward with  
10 it?

11          A       Yes, sir. I tried to research everybody  
12 that they offered to me to interview with and make  
13 sure I was not going to be affiliated with somebody  
14 that was going to be portraying my family in a bad  
15 way.

16          Q       And then you mentioned -- let me back up.  
17 So what was it about what you found on Stew Peters  
18 that caused you to think he might portray your family  
19 in a negative light?

20          A       Well, I didn't like what he had to say.  
21 This is just me personally but I didn't like what he  
22 had to say regarding LGBTQ activities. He just  
23 seemed to have some rather, I don't like to use the  
24 term, but far-right rhetoric, was kind of extreme and  
25 I didn't like that.

1 Q Did you ask Vought why they tried to set up  
2 something with him for you?

3 A I did not. I did ask how much they knew  
4 about him and they weren't -- they didn't have a lot  
5 of experience with him before. I think they just saw  
6 that he had a fairly large platform. Anyway, what  
7 was your original question?

8 Q How it was you came to have some contact --  
9 or you knew that Vought had Stew Peters on their  
10 list.

11 A Yeah.

12 Q And then you did some research on him and  
13 decided that you were not going to go forward with  
14 him?

15 A Correct.

16 Q Was anything ever scheduled with him?

17 A No, I don't believe so. I never agreed to  
18 a schedule.

19 Q And then you mentioned somebody here in  
20 Charlottesville and I did not write down his name.

21 A I think his name is Joe Thomas.

22 Q Did you interview with him?

23 A I did. I think he was the first interview  
24 I did.

25 Q Before the One America News interview?

1           A       I think so.

2           Q       Is he affiliated with a local radio station  
3 here in Charlottesville?

4           A       I think so. Joe Thomas Show. I don't know  
5 what the radio station is.

6           Q       But that's broadcast here in the -- it's  
7 one of the Charlottesville area radio stations?

8           A       I don't know. I did -- my interview with  
9 him got posted to YouTube, so I don't know if it got  
10 posted to the radio show.

11          Q       And that's someone that Vought set up for  
12 you?

13          A       Yes, sir.

14          Q       And your recollection is that that was  
15 before you did the One America News interview?

16          A       I believe so.

17          Q       Was it -- how was the interview conducted?

18          A       Over -- it was probably Zoom. It was  
19 definitely video. I remember because I had trouble  
20 getting my camera on for the first five minutes of  
21 the interview. Anyway, and that was similar to the  
22 Mill Creek View podcast where it was more of a  
23 podcast feel and it was kind of extensive, maybe 20  
24 minutes, 30 minutes.

25          Q       Did you provide any photographs to Mr.

1 Thomas before the interview?

2 A No, sir, I did not.

3 Q Did you provide any photos to him after the  
4 interview?

5 A No, sir.

6 Q Is your interview still available on  
7 YouTube if I went to look for it?

8 A Probably. I don't know for sure but it  
9 probably is.

10 Q Have you seen it yourself?

11 A Yes.

12 Q And you say it was 20 to 30 minutes?

13 A I think so.

14 Q How sure are you that that took place  
15 before the interview with the One America News  
16 Network?

17 A I'm pretty positive.

18 Q Did you tell your brother Joshua that you  
19 were going to interview with Joe Thomas?

20 A No.

21 Q Did you tell him after the interview that  
22 you had been interviewed by Joe Thomas?

23 A No, I don't think so.

24 Q Did you tell your brother Richard?

25 A No.

1 Q Or your sister-in-law Stephanie?

2 A No.

3 Q So is it your testimony that as of today  
4 they don't know that you gave an interview to him?

5 A I believe so. I didn't send them the link.  
6 I didn't tell them who I interviewed with, so I don't  
7 think they would know.

8 Q Why would you not have done that? Why  
9 would you not have kept your brother and  
10 sister-in-law up to speed on your efforts to tell  
11 their story?

12 A Sure. Well, as I mentioned previously,  
13 there has been a lot of negative media attention  
14 directed towards my family and I was trying to keep  
15 it all with just me in case something went south and  
16 that way I would be the only one that bears  
17 repercussions for it.

18 Q But you were telling what you believe to be  
19 their story, right?

20 A That's correct.

21 Q Backing up to Stew Peters. Did you send  
22 any emails to him or any members of his staff?

23 A No, I never had any communications with him  
24 directly.

25 Q No text messages, no emails?

1 A No, sir.

2 Q What about with Joe Thomas, any emails or  
3 text messages or anything?

4 A Not directly. He forwarded me the Zoom  
5 link -- sorry. He forwarded one of the Vought or  
6 Pipe Hitter Foundation media people the Zoom link and  
7 they sent it to me, so aside from speaking to him  
8 directly, I never had any direct communication with  
9 him.

10 Q Did you speak to him before the interview?

11 A No.

12 Q So your only contact with him was the  
13 actual interview itself?

14 A Yes, sir.

15 Q Anyone else that you can recall who you  
16 were potentially going to interview with or actually  
17 have an interview with other than who we have talked  
18 about already today?

19 A No, sir. Let me count them off just to  
20 make sure. No, I think that's it.

21 Q Mr. Mast, I'm going to sort of change gears  
22 time-wise with you and I want to go back in time and  
23 ask you some questions about activities that you may  
24 have been involved in before January the 1st of this  
25 year.

1 A Okay.

2 Q So you know obviously that John Doe and  
3 Jane Doe and Baby Doe were among the people evacuated  
4 from Afghanistan in August of 2021, right?

5 A Yes, sir.

6 Q And you mentioned earlier I think that you  
7 were at least aware of the things that your brother  
8 Joshua was doing in order to facilitate their  
9 evacuation and others?

10 A Yes, to an extent, yes.

11 Q What did you do other than to be someone  
12 who your brother could talk to? Were you actually  
13 directly involved in efforts to facilitate the  
14 evacuation of the Does out of Afghanistan?

15 A No, sir, I was not.

16 Q Did you contact anyone in support of the  
17 efforts to get them out?

18 A No, sir, I don't think so.

19 Q For example, did you reach out to any  
20 politicians, state, local or national?

21 A No. No, I did not.

22 Q Do you know whether your brother did?

23 A I do not know.

24 Q She's been with your brother and  
25 sister-in-law since September of 2021, correct?

1           A       I believe so.

2           Q       Do you know whether they have made  
3 presentations to church groups about her?

4           A       I think -- I don't know if this is a  
5 presentation as much as like Stephanie's mother, so  
6 my brother's mother-in-law, attended a church and  
7 they were all -- they were visiting and I don't know  
8 if it was like a service oriented around this, I  
9 don't think that was the case, but I think that there  
10 was mention of that from the pulpit like when they  
11 were coming to visit my brother's mother-in-law's  
12 church.

13                   MR. FRANCISCO: I'd like to make a standing  
14 objection. I don't see this line of questions  
15 covered by the deposition notice in all the topics in  
16 the motion for production. Maybe I'm missing  
17 something but I don't see anywhere where this is  
18 noticed as an area of the deposition.

19 BY MR. POWELL:

20           Q       Have you attended any church service with  
21 your brother and your sister-in-law and Baby Doe?

22           A       No. They live in North Carolina or  
23 Charlottesville and I'm in Rustburg, so...

24           Q       Do you know whether Baby Doe has had any  
25 medical issues since she's been in this country?

1 A I don't know.

2 Q Do you know if she's had any surgeries?

3 A No.

4 Q Do you know if she's had any seizures?

5 A I don't know. I don't think so.

6 Q Do you know if she's had any difficulty  
7 walking?

8 A I don't.

9 Q Do you know if she's had any difficulty  
10 with her cognitive development?

11 A No, I do not know.

12 Q What about with her eyesight?

13 A No, I don't know that either.

14 Q Are you aware that your brother advised  
15 John Doe while the Does were still in Afghanistan  
16 that all of these things might befall Baby Doe if she  
17 didn't get proper medical care in the U.S.?

18 A I do remember that because from what I  
19 remember -- this is a while ago obviously, but from  
20 what I remember going on at the time we had discussed  
21 at some point that the Does were saying most of those  
22 things. I remember just a couple things, not all of  
23 that. I remember that they said she couldn't or  
24 wouldn't walk, couldn't or wouldn't talk and that she  
25 was having seizures and he in turn gave that

1 information to his pediatrician, he has four children  
2 already, and the pediatrician advised him on that and  
3 that's how that went.

4 Q So you're telling me this information came  
5 from the Does to your brother and not the other way  
6 around?

7 A Yes, sir, that is correct.

8 Q And what's the basis for your saying that?

9 A Well, I was there when my brother had the  
10 conversations, he was Stateside and I remember when  
11 he was giving us updates on the situation him saying  
12 that was something that they had discussed and he was  
13 concerned for her.

14 Q So this is what your brother was telling  
15 you he had heard from John and Jane Doe, right?

16 A That is correct.

17 Q She's almost four, right?

18 A That's right.

19 Q Isn't her birthday July of 2019? That's  
20 what the doctors thought.

21 A Yeah, it's coming up here the end of July.

22 Q Does she attend preschool --

23 A I don't know actually.

24 Q -- in North Carolina?

25 A I'm not sure.

1 MR. HARDING: I'm going to reiterate the  
2 objection here as to the scope --

3 MR. POWELL: I think everybody has got the  
4 objection.

5 BY MR. POWELL:

6 Q Have you spoken with Baby Doe recently?

7 A Define recent. A couple of weeks, maybe a  
8 month ago.

9 Q Sure. In this calendar year.

10 A Yeah. Yeah.

11 Q How is her English?

12 A Fantastic.

13 Q Does she speak with an accent?

14 A No.

15 Q So if you had not known she was born on the  
16 far side of the earth, would you not suspect it when  
17 you speak to her?

18 A Yes, you're correct.

19 Q Do you know if she can read?

20 A I do not know.

21 Q Is she being raised in the Christian faith  
22 or the Muslim faith?

23 A I have never witnessed any religious  
24 instruction given, so...

25 Q You're saying you don't know the answer to

1           that?

2           A           I'm saying what I said.

3           Q           Do you know whether she is being raised as  
4           a Christian?

5           A           Well, my family --

6                       MR. FRANCISCO: Object to relevance. I  
7           don't see where this is anything but vexatious and  
8           probing of personal matters. I can't imagine how it  
9           relates to this federal case.

10          BY MR. POWELL:

11          Q           Do you know?

12          A           My family is Christian --

13                      MR. YERUSHALMI: This is David Yerushalmi.  
14           I'm going to also interpose an objection that it's  
15           argumentative, well beyond the notice, and it's  
16           getting to the point where it's a waste of everyone's  
17           time.

18          BY MR. POWELL:

19          Q           Do you know if she has been baptized in the  
20           Christian faith?

21          A           I do not know.

22          Q           Have you ever spoken to John or Jane Doe?

23          A           No.

24          Q           Last one, I promise.

25          A           You're fine.

1 (Mast Deposition Exhibit No. 26 was marked  
2 for identification and attached to the  
3 transcript.)

4 THE WITNESS: Maybe this goes --

5 MR. HARDING: Just hold on.

6 THE WITNESS: All right.

7 BY MR. POWELL:

8 Q You've been handed Exhibit 26, Mr. Mast,  
9 which I'm sorry the font is so small.

10 A That's okay.

11 Q I can barely read it but I just wanted to  
12 see if you can tell me what's going on here. This is  
13 an email from you to someone named Kyle Scheren there  
14 at Liberty May the 6th, 2020.

15 A Yeah.

16 Q And you're sending him some materials about  
17 Baby Doe, right?

18 A Yes.

19 Q And you start off by saying, quote, "My  
20 brother asked me to forward these along in case the  
21 opportunity arises to post them to social media for  
22 OSD." Do you see that?

23 A I do.

24 Q Is OSD the Office of Spiritual Development  
25 at Liberty?

1           A       It is.

2           Q       So you were doing this at your brother  
3 Joshua's suggestion, right? Request actually. He  
4 asked you to do it.

5           A       Bear with me.

6           Q       Sure. Take your time.

7           A       Yes, that looks like that's correct.

8           Q       So look at the first full paragraph there  
9 after you say "I hope you're doing well." The second  
10 sentence says, quote, "The shorter of the two videos  
11 is the, quote/unquote, safe version where it uses a  
12 lot more discretion about details but tells the  
13 story." Do you see that?

14          A       Yes, sir.

15          Q       Do you recall what you meant by that  
16 sentence?

17          A       So this is two -- no, three years prior to  
18 my involvement with Pipe Hitter Foundation. I think,  
19 if I remember correctly, that this is referencing a  
20 summarization of something that my -- I don't know if  
21 Joshua and Stephanie did it themselves or if somebody  
22 assisted them with the process but they were trying  
23 to kind of at this point make record of everything  
24 that had happened thus far and were -- I'm sorry, I  
25 think I got distracted from your question, so what

1 was that again?

2 Q So I'm trying to understand what you meant  
3 by the sentence that I just referenced when you said  
4 that the shorter of the two videos is the safe  
5 version. What did you mean by that?

6 A They did a video recording and the one was  
7 super long and the other was shorter, so the safe  
8 recording was information to protect people that was  
9 redacted or things like that.

10 Q A video recording of who?

11 A Just Joshua and Stephanie.

12 Q They were in this country and Baby Doe was  
13 still in Afghanistan then, right?

14 A Yes.

15 Q Up at the top Mr. Scheren responds, "Thanks  
16 for sending this over, praying for your family, let  
17 me look into a few things and get back to you." Do  
18 you see that?

19 A Yes, sir.

20 Q Did he get back to you?

21 A He actually left Liberty University shortly  
22 thereafter, so no.

23 Q Did he post anything that you sent to him  
24 to Liberty's website or to --

25 A He did not. Nothing really came of this.

1 Liberty never got involved with posting anything or  
2 anything of that nature.

3 Q Is this the only contact you had with  
4 Mr. Scheren about Baby Doe?

5 A Yes, sir. I actually forgot about this  
6 that this even existed, so, yes, this was the only --

7 Q Have you had any contact with anybody else  
8 at Liberty about Baby Doe?

9 A I have talked to some coworkers like just  
10 some vague details regarding what's going on and  
11 things like that as far as when it was occurring like  
12 that he was coordinating and some of the general  
13 story that I've shared in some of my interviews and  
14 stuff like that.

15 Q But just informal conversation?

16 A Correct.

17 Q My question was imprecise. Have you sent  
18 anything to anybody at Liberty about Baby Doe other  
19 than what's reflected in this exhibit?

20 A No, sir, I have not.

21 MR. POWELL: I think I'm done for today but  
22 let's take a five-minute break so I can confer with  
23 my colleagues. I'm not trying to cut off any  
24 examination.

25 MR. FRANCISCO: That's fine.

1 THE VIDEOGRAPHER: Please stand by. We are  
2 now off the record. The time is 2:39 p.m.

3 (Recess, 2:39 p.m. - 2:53 p.m.)

4 THE VIDEOGRAPHER: We are now on the  
5 record. The time is 2:53 p.m.

6 MR. POWELL: Mr. Mast, thank you for your  
7 attention to my questions today. I am done for today  
8 but I am not ending the deposition, I am suspending  
9 it and reserving my right to reopen it if and when  
10 developments in the case would justify that, but for  
11 now I am done and I'm going to turn you over to  
12 anybody else who has questions.

13 THE WITNESS: Thank you.

14 MR. HARDING: This is Elliott Harding on  
15 behalf of Mr. Mast. We don't have any follow-up  
16 questions.

17 MR. FRANCISCO: Michael Francisco on behalf  
18 of Joshua and Stephanie Mast. We don't have any  
19 questions.

20 MR. YERUSHALMI: David Yerushalmi on behalf  
21 of Richard Mast, nothing further.

22 MR. HOERNLEIN: Mike Hoernlein on behalf of  
23 Kim Motley. We have no questions. Thanks.

24 MR. BROOKS: Tyler Brooks on behalf of  
25 Ahmad Osmani and we have no questions at this time.

1 Thank you.

2 MR. POWELL: I think then we are done  
3 unless anybody disagrees except for the reservation  
4 of rights that I put on the record a few moments ago.  
5 Any disagreement with that?

6 MR. HARDING: No disagreement.

7 MR. POWELL: Gentlemen on the phone, thank  
8 you. Have a good day.

9 THE VIDEOGRAPHER: We are now off the  
10 record at 2:54 and this concludes the testimony given  
11 by Jonathan Mast.

12  
13  
14 (Signature having not been waived, the  
15 deposition of JONATHAN MAST was concluded  
16 at 2:54 p.m.)  
17  
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19  
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1 REQUESTED CHANGES TO THE DEPOSITION OF

2 JONATHAN MAST, TAKEN 7/17/23

3 Reported by Mark E. Brown, RPR

4 Page/Line: Change to/from: Reason:

5 \_\_\_\_\_

6 \_\_\_\_\_

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16 \_\_\_\_\_

17 JONATHAN MAST

18  
19 Commonwealth of Virginia, to wit:

20 Subscribed to before me

21 this \_\_\_\_\_ day of \_\_\_\_\_, 2023

22 \_\_\_\_\_

23 Notary Public

24 My Commission Expires:

25 Registration No.

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Mark E. Brown, Registered Professional  
3 Reporter and Notary Public for the Commonwealth of  
4 Virginia at large, whose commission expires November  
5 30, 2024 do certify that the aforementioned appeared  
6 before me, was sworn by me, and was thereupon  
7 examined by counsel; and that the foregoing is a  
8 true, correct, and full transcript of the testimony  
9 adduced.

10 I further certify that I am neither  
11 related to nor otherwise associated with any counsel  
12 or party to this proceeding, nor otherwise interested  
13 in the event thereof.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my notarial seal at Richmond this  
16 19th day of July, 2023.



18  
19 \_\_\_\_\_  
20 Mark E. Brown, RPR, Notary Public  
21 Commonwealth of Virginia  
22 Registration No. 7564442  
23  
24  
25

1 LEWIS F. POWELL, III, ESQ

2 lpowell@hunton.com

3 July 19th, 2023

4 RE: Doe, Baby Et Al v. Mast, Joshua Et Al

5 7/17/2023, Jonathan Mast (#6005284)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21  
22 Yours,

23 Veritext Legal Solutions  
24  
25

[&amp; - 2023]

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Part Four - Pretrial Procedures  
Depositions and Production at Trial  
Rule 4.5

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 21 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion

to suppress under Rule 4:7(d)(4) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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